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INDEX

to

DECISIONS OF THE

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

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PUBLICATION OF THIS INDEX IS INTENDED TO COMPLY WITH
THE REQUIREMENTS OF 5 U.S.C. § 552(a)(2). CONSISTENT THEREWITH
THE INDEX WILL BE PUBLISHED QUARTERLY TO INCLUDE OPINIONS
RENDERED SINCE THE LAST DATE OF PUBLICATION.

MARCH 1982

The most recent additions to this
publication are underscored.

NOTE:

The Review Commission regards as binding precedent its own decisions. It regards unreviewed decisions of administrative law judges as legally significant but not as binding precedent.

ABATEMENT	
Airborne lead	
Period to	#10;643;3200;
Typical program to achieve	#643;704;
Approval of by RC	
Not in Union case if R's pending	#3199;
Assumed by Judge in approving settlement	#873(RC);
Burden of proving feasibility of not on SOL	#15565(RC);
Commission may stay while appealed	Lance Roofing Co.;
Compliance Officer not obligated to tell how to	#2647;
Cost allocation	#76-3621;
Date	
Notice of contest to raises violation	#2019(RC);6448(RC)
Oral notification of not adequate	#442(RC-Dis);
Proof of reasonableness on SOL	#77-3266(RC);
Delay for development of engineering and and admin. controls not basis for	#81-1251P;
Economic	
Consequence of	#11155(RC);
Factor in method of	United Parcel;
Not a factor	Atlantic & Gulf;

ABATEMENT(Cont.)	
Economic (Cont.)	
Production loss of 60% not feasible	#77-705;
Effect on penalty	
Where accomplished prior to dec.	#667;9224(RC);
Efforts to do not mean R knew it was required	Diebold;
Employees	
May only contest reasonableness	#10340(RC);
Must be informed	#4183;
Ends at midnight on date specified	#764;
Excess airborne lead	#643;1139;
Experimentation periods	#78-2146(RC);
Extended (See Period, below)	
After 15 day period	#791;4500;
Building condemned	#1002;
Good faith effort	#3632;
Reasons for	#883;1629;2258;2687;79-6375E;
To conform to long range const. plan	#11063P;
Until request for variance acted on	#102(RC);
Extension of	
Burden of proof on employer	#81-1251P;

ABATEMENT (Cont.)	
Extension (Cont.)	
Request for considered NOC	#6448(RC);
Request for denied	#78-5910;80-1403P;
Failure to	
Cannot raise vagueness of standard	#2647;
Citation for but abatement found and new violation held	#445;
Due to circumstances beyond R's control	#3624;80-6199-P;80-6865P;
During time case being contested	#10639;
Elements of	#587(RC);12298(RC)
Fact of viol. must be est.	#603;
Not established but new violation shown Cannot amend to	#445(RC);9480(RC)
Penalty for proper	Clarkson;
Where citation did not adequately inform Respondent	#2200;78-1339;
Feasibility of	
Burden on SOL & est. by record as a whole	#9224(RC);76-4807(RC);
Determined by employer only	#78-2146(RC);
Established by past-accident actions	#4533(RC);
Other controls not	#722;
Substantial evidence required to support	#9224(RC);

ABATEMENT (Cont.)	
Finances as reason for extending	#11155-P;81-1251P;
Good faith attempts to	#791;885;2275;2815;3632;3957; 11983;78-1803(RC);80-6668P;
Groups of violations	
Not valid	#833;
Immediate	
May be less than 15 days	Haybuster; Kesler;
Unreasonable if ext. work required	#15051(RC);
Impossibility of	#2453;3586;
Initial date reinstated for lack of good faith	#467(RC);
Jurisdiction over	
Reasonableness but not fact of	#22;562;687;873;5918;
Lack of funds no basis for delay	#12526;
Lack of space to accomplish no defense	#2038;
Method of must not increase risk	#703;
Method of	
A trade secret	#4272;
Union may not contest, only period	#77-3600;
Modification of	#1139;
After contest period passes	#1210;3514;4514;5708; 5819;
RC has jurisdiction	#1210(RC);Otinger;

ABATEMENT (Cont.)	
Modification (Cont.)	
Employee part	#5819;
Employees must be informed at every step	#10996P;
Hearing re	
Requested by union	#5819;
Motion to prior to abate. date	#3384;
No notice of contest	
Jurisdiction of RC	#5819;
Not based on expense	#2815;
Petition not timely (wi. 15 days)	#1210;2687;4514;81-1251P;
Judge may not consider	#2095;
RC has juris. over at all times	#1234(RC);4514(RC);5708(RC); 5918(RC);
Timely if prior to date in cit.	#1924;2351;
RC may waive under Rule 108	#2095(RC);
Mooted by plant closing	#1553;
Most effective means must be used	#78-726;
Must be clear to sustain withdrawal	#1533;
Must not force R into an economic squeeze	#11155(RC);14708;
NOC to citation	#15965(RC);
Noise by administrative controls	#643;
Union objects for labor-relation reasons	#1503;

ABATEMENT (Cont.)

Not feasible	#3813;
Partial feasible	
Must do and apply for variance	#14240(RC);
Penalty for failure to	#346;914;79-4427;
Period for	
Continues to run if NOC to penalty	#2354(RC);Lance Roofing Co.
Extension of	#577;633;947;
By stipulation	#885;957;
To achieve better control of offending agent	#368;
For noise	#2038;
Must be reasonable	#3998(RC);
Reasonable time	
Same day not; at least 24 hours	#3998(RC);
Reduced	#2017;
RC can review	#2786(RC);
Tolled by contest of violation	#3200;79-5332E;
Plan	#225
Judge cannot initiate	#802(RC)
Provided by court order	Greenfield Associates;
Must contain a date certain	#722(RC);1233;

ABATEMENT (Cont.)

Plan (Cont.)

Not as sole abatement	#1885;
RC or union cannot modify	Int. Union
Union can show time is too long	#2786(RC);
Practicality of not unreasonable test	#378;1600;2022;
Progress reports required	#1942;1994;
Progress reports to union	#1942;3091;4272;
Protective clothing as only if evidence estab. engineering or adm. controls not feasible	#722(RC);
Removal of affected employee to other area not	#10,587;81-1251P;
Required only if feasible at time	#791;1104;2275;
Shortest interval to abate	#464;
Silica dust, plan for	#1600;
Specific procedure	
Judge may not order	#802(RC);
Time to is reviewable by Judge	#802(RC);
Unreasonable	
Burden on R to estab.	#11021;
Union contest only raises issue of period	International Union

- ACCESS #3694(RC);
  - Criteria to establish #78-1363;
- ACCESSIBILITY
  - Must be shown to estab. violation #433;79-1956;
- ACCIDENT
  - Cause and effect
    - G must show, unexplained inadequate #402;1367;3863;
    - Inspection inadeq. to show #190(RC);
    - Violation #184(RC);190;219;378;388;402;969;2384;2576;8425;
    - Where workplace demolished prior to inspection #388;
  - Forseeable
    - Foreman's acts imputed to R #78-3688;
  - Not all preventable #77-3567
  - Probability of #79-7126;
    - Over extended period is test #642;919;
    - Relates to gravity #6(RC);
  - Records of
    - Only necessary if an injury has occurred #1111;
  - Report of by R
    - Not required if G knew through other sources #650;
    - Subordinate directed to make #5157;
  - Unavoidable as defense #2576;Lake Butler;Atlas;

ACT

Application to all employees regardless of job	#7606(RC);
Civil and not criminal	#5873(RC);
Compliance with may require more than ind. practice	#12600(RC);
Constitutionality	Beall;Irey;
Presumption of	#2630;
Construed liberally for employees	#77-2115(RC);Southern Railroad; Bristol;
Duty under cannot be contracted away	#77-979;
Employer not insurer but must make good faith effort to safeguard	Titanium
Exemption from(See SEC. 4(b) and JURISDICTION)	
Narrowly construed	Southern Railroad;
Oregon	
Warm Springs Ind. Res.	#15241;
Interpreted in light of congressional purpose	#78-1443(RC);78-2090;
Interpretation of by RC (See Review Commission)	
Entitled to great deference	Bratton; Dayton;
Requires common sense	Hyman
Interpretation of by SOL	
Ent. to great deference	McGowan;
Jury trial not required for adjudication under	Atlas;

ACT (Cont.)	
Knowledge of not material to fact of violation	#781;
Legislative Intent	#76-5162(RC);
Manufacturers not covered	#79-2813;
Overrides state law and prior contract	#9438P(RC);
Penalty not criminal entitled to jury trial	Mohawk;
Policy under	
Only SOL entitled to have his enforced in court	Madden;
Preventability is keystone	#77-91;
Proceedings civil in nature	#14(RC);
Remedial legislation	#471;
Sections of (See SECTION)	
Technical violation of by SOL	
R not entitled to sweeping exclusion against SOL	Hartwell;
Technology forcing by	AFL-CIO;
ADMINISTRATIVE CONTROLS (See CONTROLS)	
SOL estab. prima facie when he shows limiting exposure is possible	#3827;
ADMINISTRATIVE PROCEDURES ACT	
Section 552(a)(1)(E)	#199(RC);
Section 553(d)	
"Good cause" discussed	#7734(RC);

ADMINISTRATIVE PROCEDURES ACT (Cont.)	
Section 556(d) Amendment after hearing	#78-6247(RC);
Section 557(c)	#14822(RC);76-2349(RC);
ADMINISTRATIVE REMEDY	
Exhaustion Remand for trial after interlocutory appeal	Fieldcrest;
ADMISSIONS(See RULES OF PROCEDURE, 52)	
Binding on R where made by employee with authority	#1955;
By attorney Not binding unless judicial admission	#11340(RC);
By R not binding if Judge doesn't accept	#694;
Conclusive	#605;
Request for ext. to reply made after time expires	#10198(RC);10952(RC);76-909;
Employee's attributed to R	#5873(RC);
Made during settlement negotiations Not binding at trial	#510(RC);
Requests for Not answered and time extended	#3976;
Not answered are admitted	#79-2156;
Not denied are admitted	#76-323;
AFFECTED EMPLOYEES	
Defined	#76-4572(RC);78-446(RC);79-839P;

AFFECTED EMPLOYEES (Cont.)	
Represented by union	
(Service on (See Service of Notice))	
Rights where union does not elect party status	#79-191;
AFFECTING COMMERCE	
Activities of sort engaged in by co.	Anchorage;
Assumed	#44;
Broad interpetation	Anchorage
Broader than Fair Labor Standards Act	#354(RC);
Burden of proving	#3701;79-3894;79-4110;
Business in two states	#3249(RC);
Business not	#3701;
Business on navigable waters	#354(RC);76-4026(RC);
Construction business	#80-273;
Decision in prior case that R is	#5731;
Discussed	#3108(RC);3249(RC);4172;6688;7936;8387;14096;14536;76-4744(RC);Godwin;
Meaning	#480(RC);782;855;
Dock builder as	#3253;
Employer as class	#6015;

AFFECTING COMMERCE (Cont.)	
Equipment made in another state	
Used by R in business	#76-4295;78-2090;80-3592(RC);
Every business	#477;2276;6015;12459;13973(RC);
Includes intrastate sale of goods that have moved interstate	#1324;7246;
Life insurance business as	#13069(RC);
Manufactured item as component of interstate item	#1285;
Scrap dealer as	#10331;
SOL failure to present evid. re	#76-631;
Use of mails or interstate telephone lines	#80-3592(RC);
What business is	#119;211;354;477;480;493;754; 781;855;983;1128;1305;1324; 1700;2266;2276;2536;2969;3583; 3701(RC);79-4944;
Discussed	#8687(RC);Gordon;
AGENT	
Foreman's acts imputed to R	Ocean;
R is liable for acts of	#184;
R resp. for acts of agents	Ocean;
Who is	#1405;
AGRICULTURAL ACTIVITY	
Chicken egg producers	#77-2555(RC);

AGRICULTURAL ACTIVITY (Cont.)	
Cotton ginning is	#1671;
Grain storage is not	#1671;
AIR COMPONENTS	
Failure to abate	
Based on untested observation	#5594;
Personal sampling vs. area sampling	#12597(RC);
Sampling for	#9666;
When medical exam required	GAF
AIR CONTAMINANTS	
Abatement	
Must do more than merely redistribute	#76-3816;
Acute v. chronic exposure	#2311(RC);
Estimation of amount of	#78-2006;
Location of testing device on employee	#78-4580;
No showing that engineering changes would in fact decrease noise	#76-4388;
Pre-insp. activity may be considered to det. if serious	Bethlehem IV;
Sample outside welding hood	#78-4392;
Serious violation based on chronic exposure	#2311(RC);78-4674;
AIR HOSE	
Failure to meter pressure	#456;731;849;1506;

AIR HOSE (Cont.)	
Open end used as part of mfg.	#102(RC);8280;
AIR SAMPLE	
Unrepresentative	#76-3431;
"AISLE"	
Obstruction of	
Not by small pieces of debris slipping from pile	#413;
Permanent defined	#4237(RC);
Wide with some temp. storage	#299;
ALTERNATIVE MEANS OF GUARDING AGAINST HAZARD	
Discussed	#15094(RC);
AMBIGUITIES IN CITATION	
Cured at hearing	National Realty Co.;
AMENDMENT(See FRCP 15(a))	
Abatement described in other standard permits amendment to that standard	#76-4636
Add new worksite	#510(RC);76-4460;
After R paid lower penalty of initial citation	#945
After hearing	#764;867(RC);935;1036;1046;1191;1796;3685(RC);4224(RC);4415(RC);4537(RC);4725(RC);5221(RC);5324;5482(RC);7672(RC);7734(RC);8122(RC);11104;77-362(RC);77-2014;78-3161;79-2270;80-5810;Ashworth;
Answer	#76-5344(RC);77-226;
From mobile crane to perm. mounted crane	#78-4537;

AMENDMENT (Cont.)

After hearing (Cont.)

In alternative	**#7722;**
No consent, express or implied	**#76-2044(RC);76-2879(RC);**
Not permitted	**#77-1527;77-1765;**
Prejudice	**#76-4169;77-362(RC);77-2014;**
Permitted if fully tried	**#5375;78-3234;**
With consent	**#16029(RC);76-2748(RC);**
Judge erred	**#3491;**
Too late for failure to abate to repeat	**#9480(RC);**
After prehearing discovery	**#4626(RC);**
After record closed too late	**#103;1796;5991(RC)**
Contra	**#867(RC);3491**
Alleging substantially different after hearing is denial of due process	**#13084;**
Alternative charge	**#8842(RC);13535(RC);77-1202;**
After hearing	**#7722;79-2973;**
Sec. 5(a)(1) as	**#1968;77-1202;**
Answer	**#2813;**
After hearing	**#76-5344(RC);77-226;80-3592(RC);**
At any stage of proceeding	**#285(RC);2739;78-3161;**
Not at RC level	**#5991(RC)(however see Ashworth)**

AMENDMENT (Cont.)

At hearing	#1191;1907;2357;3197;6972(RC); 8122(RC)10932(RC);Western II;
If fully tried	#16140(RC);
Increase penalty	#7562;
New standard - too late	#76-2468;
Nonserious to serious	#2739(RC);12577;
Nonserious to willful	#77-3540;
Permitted if R granted cont. to reply	#12831(RC);
Repeat to serious	#78-5558;
Six months after cit. filed	#6987;7368;
To charge new violation	#77-4089;79-3667;
Undue delay prej. R	#6644;
Untimely	#4224(RC);76-295;76-1162;
Back and forth not permitted	Cornell
Before hearing	#8778;14315(RC)
But long after inspection	#9054;
Immediately prior to Alleging new fact. basis	#7792(RC);
Permitted if no prejudice	#14315(RC);78-3216(RC);
Prejudice will be rare	#14315(RC);
By complaint Obj. to in posthearing brief	#14968(RC);

AMENDMENT (Cont.)

By Judge	
Has no discretion if consented to	#14761(RC);
Not if he assumes regulatory role	#2739;
Permitted if fully tried	#5375;5482(RC);
Sua sponte	#2885(RC);76-392;
After trial-error	#3491(RC);
After trial where evid. intro. at hearing	#78-4257;
Close of hearing	
R intro. test. re alt. standard	#15265
To change standard	#14761(RC);
To delete offensive word	#2630;
To increase severity	
If R on notice, opportunity to defend and issue tried by consent	#690(RC);12705(RC);
To raise affirmative defense	#76-3159;
To reduce	
Serious to nonserious	#1053;1981;
Willful to repeat	#2538(RC);7947;
Willful to serious	#690(RC);2637(RC);
By proof	#158;378;557;1399(RC); 1858;3028;3197;
Consent required	#4725(RC);

AMENDMENT (Cont.)	
By proof (Cont.)	
Fair notice required	#867(RC);1046;2276;3197;3235;
By RC on review	#857(RC);1036(RC);1046(RC); 2287(RC);4537(RC);4547(RC); 12618(RC);13685(RC);
Not if amended issue not lit.	#7734(RC);
SOL must consent to	#221(RC);
Change abatement date	
Extends time to contest	#78-4277;
Change date of viol. or insp.	
Proper to permit	#657(RC);13283;76-934;
To show date when R's employees exposed	#1114(RC);77-4204;
When correct date tried	#1399(RC);
Change desc. in cit.	
At hearing not permitted	#4175;5282;5991(RC);
Inadvertent error in standard	#3028(RC);
Not permitted	#2437(RC);4175;
Permitted where language of cit. allowed	#2437;
"Platform" to "walkway"	#15858;
Splice to repair	#76-934;
To show specific section viol.	#2973;
Change factual theory	#2887;
Cannot do	#76-2167;

AMENDMENT (Cont.)	
Change legal defense	#683(RC);
Change name of party	#1988;4224(RC);
From one corp. to another where commonly owned	#15009;78-5954;79-2899;
Change standard	#1225;
Only if R had opport. to raise all relevant defenses	#10903;
Change substance	#683(RC);
Clarifying	#2739;
Citation	
Adding party	
Must be within 6 mos. of violation	#14822(RC);
After citation final-Judge may amend during failure to abate	#14057(RC);
Amends complaint when R not prejudiced	#1126;
At hearing	
Must be tried on amended standard	#11104;
Must give notice of new theory	#3841;
By complaint	#4845;15690(RC);
Complaint included	#3324(RC);
Extends time for NOC	#1075;
Unless no amendment intended	#605(RC);
Language of clearly permitted	#2437(RC);

AMENDMENT (Cont.)

Citation (Cont.)

May be	**Long Mfg. Co.;**
New charge may not be added	**#4387;5991(RC);14774(RC);**
New citation that changes nature of charge	**#7792;**
Oral not permitted	**#12798;**
Prejudice not shown	**#4850(RC);76-1174(RC);**
Radical change in	**#285(RC);345;810;1263;1689;1796; 1858;1968;1990;5991(RC);**
R must be advised timely so he can prepare for trial	**#11104;**

Complaint

Amendment in	**#167;186;285;496;1036;1875; 4584(RC);4845(RC);5486(RC); 7064;10330(RC)16057(RC); 76-1393(RC);**
Employee exposed redescribed	**#13920(RC);**
Facts changed	**#14315(RC);**
Facts not	**#683(RC);15043(RC);**
Judge's order must reflect	**#467(RC);594;**
May not add new charge	**#4387;**
Nonserious to serious not per.	**#2459;**
Repeated to willful	**#13680(RC);14509(RC);**

AMENDMENT (Cont.)

Complaint (Cont.)

Same rules as for citation	**#78-3398(RC);**
Serious to Willful	**#77-2627;**
Six month rule	**Bloomfield;**
SOL must conform to RC rule	**#1690(RC);**
To add standard	**#2437(RC):4845;**
Conform to proof	**#147;683(RC);688;810(RC);867(RC);1046;1373(RC);1624;1871(RC);2044;2272(RC);3028;3195;3491;4725(RC);4825;5479(RC);77-1623;77-4458;79-261;79-2225;79-5269;79-5751; 81-407;**
Date of violation	**#782(RC);**
Where date intro. by R to refute cit.	**#4773(RC);13732(RC);**
Facts raised coincidentially not with consent	**#15974;**
Identical standard in 1910-1926	**#15854;**
If R on notice	**#867;1036;1046;**
If R not prejudiced	**#3685(RC);**
Issues tried	**#7247(RC);11011(RC);**
Not if new theory	**#2913(RC);4029;7247(RC);78-6247(RC);**
Only if express or implied consent	**#2538(RC);4725(RC);**
Only if issue tried	**#2805(RC);10343;78-6247(RC);**

AMENDMENT (Cont.)

Conform to Proof (Cont.)	
R fully defended to amend stand.	#5946;
Where evid. presented without objection	#2538(RC);8374;
Willful not found, serious if consented to	#4172(RC);
Consent implied if no obj. to evid.	#15582(RC);76-896(RC);76-2748(RC); 78-2923(RC);78-4390;80-7116;
Consent implied if R introduced evid.	#76-3103(RC);
Consent not est. where R participated in introduction of evid. but didn't realize it was related to untried issue	#7247(RC);
Consent required for RC to amend	#221(RC);
Considerable scope to, before and during hearing	National Realty;
Discretion of Judge	Cornell;
Discussed	#3028;3035(RC);6969;14774(RC); 15169(RC);15522(RC);77-1202; Marquette;Cornell;
Evidence introduced for purpose other than proving viol. of stand. for which amendment sought	
Not tried by consent	#13511(RC);80-5810;
Evidence re amendment must be obj. to	#15582(RC);
Facts alleged are unchanged	#15450(RC);16057(RC);
Failure to abate to new viol.	#445(RC);

AMENDMENT (Cont.)

Failure to abate to repeat viol.	#76-776;
After trial too late	#9480(RC);
Failure to object, implied consent	#14761(RC);16235(RC);
Failure to state reason for	#16057(RC);
Federal rules govern	#10136(RC);Southern Colo.
Freely granted	#285;683(RC);
If no prejudice in preparing or presenting case	#15450(RC);
General duty to standard	#857(RC);4845(RC);7722;78-2192;
Generally	Marquette
"Hoses" to "debris" in aisle Not tried by consent	#12408(RC);
If fair notice given, issue litigated may be decided by Judge	#949;3235;
Implied consent	#14761(RC);
Discussed	#76-3944(RC);
If evid. introduced w/o obj. and understood to be directed to amended change	#12686(RC);13685(RC);
Not if failed to object to innocuous question	#5991(RC);
Not where proof different and R's defense might be diff.	#12686(RC);
Increase severity of charge	#221(RC);5731

AMENDMENT (Cont.)

Judge's own motion	
If tried by consent	#14761;15582;
Not beyond what parties were prepared to try	#4395;15186;
Liberally allowed where no prej.	#3035;
Liberally construed	#810(RC);6969;78-3216(RC); 79-5359;Nat. Realty;
Made before RC, too late (See After trial, this title)	#8275(RC);
May not bring in new issue	#285;389;810;867;1036;1046;1645; 1796;1968;2357;5991(RC);6644; 6972;
More than 15 days after citation issued	#791;5355;
More than 6 mos. after insp.	#103;678;810;1689;3393;4598; 4626(RC);4773(RC);6969;8842(RC); 10929(RC);80-7116;
Acceptable if factual basis the same	#3685(RC);
Acceptable if no new charge	#15450(RC);
R on notice of basic facts	Southern Colo.
More specific standard	#15582(RC);
New fact basis	#77-807
Not appropriate where no hazard shown	#76-4378;
Not if foreign to init. cit.	#6972;
Not if it adds a new charge and no notice	#7247(RC);

AMENDMENT (Cont.)

Not if R prejudiced	#1731(RC);7377(RC);13134(RC);
Not in mid-trial to add new stand.	#4598;
Not permitted by ALJ	
Does this revise orig. cit.	#2459;
Not prejudicial if doesn't change factual allegation	#3685(RC);
Notice of contest by answer	#76-4378;
Notice required	#1362(RC);
Objection to 30 days later	#949
Of citation during trial	#2887;
Of pleading	
To conform to proof	#1399(RC);
Of substance must be in writing	#2693;
Post hearing	#867(RC);2630;
On same level	#4141;
Party (See)	
Permitted if issues relevant to amended theory tried and R not prejudiced	#14036(RC);
Permitted if R not misled	#11;112;285;345;394(RC);471(RC); 810;857;867(RC);1036;1114;1689; 1796;2384(RC);3153;3197;
Pleading	
Basis for easily amended where fair notice given	#1231(RC);4734(RC);

AMENDMENT (Cont.)

Prejudice	
Cured by continuance	#77-1894(RC)
Not shown if fair opport. to defend	#4773(RC);76-20(RC);76-2748(RC); 76-3942(RC); 76-5344(RC);
Not shown where no opportunity to negotiate settlement	#78-5954(RC);
Shown where made imm. preceding trial & witnesses not available	Cornell
Prejudice required to deny	#857(RC);3035(RC);
Prior to hearing	#76-2643(RC);
Consent not necessary	#15169(RC);
Permitted if no prejudice	#14315(RC);76-1992(RC); 79-1552(RC);
Prejudice will be rare	#14315(RC);76-1992(RC);
Proper if stated with particularity	#8842(RC);
Pro se cannot plead ignorance re	#76-3944(RC);
Provided for by RC rules	Rule 33(a)(3);
Reflect correct standard	#949;76-163;
Reflect in Judge's decision	#56(RC);186(RC);420;739;
Relates back to orig. cit.	#3035;3685(RC);4773(RC);11222; 15450(RC);76-2167;79-5707;
Relates back but not agreed to	#3301(RC);
Repeated to willful	#14509(RC);

AMENDMENT (Cont.)

R inferentially raised issue	#79-557;
R must have adequate opportunity to prepare case	Cornell
Respondent's name	
Wrong individual d/b/a	#78-47(RC);
R not prejudiced	#11222;
Serious from other	#594;1036;2459;2739;12705(RC);
Where cited in error	#14(RC);
Serious to other	#1981;76-4621;
Serious to willful	#14315(RC);
Same factual basis but new stand. dates back to orig. cit.	#3685(RC);
Sec. 5(a)(1) to standard	#680(RC):1036(RC);1046;2249;2737; 3685;11552;
Arising out of same conduct	#15565(RC);
Not after 6 months	#7174;
R does not object	#1264;
R does object	#130;1968;2739;3685;
Too late in proceeding	#1373(RC);3028;5991(RC);
Vacillating OK	#9054(RC);
1910.212(a)(3)(ii)	#78-2862;

AMENDMENT (Cont.)

Sec. (Cont.)	
1926.500(b)(1)	#78-3398(RC);
1926.954(a) and 950(c)	#76-2044(RC);
Standard to	
1910.23(c)(1) to .252(e)(1)(i)	#79-2663;
1926.28(a) to 105(a)	#13026(RC);
To failure to abate	Long;
1926.500(b)(1) to (c)(1)	#78-1600
1926.500(d)(1) to 28(a)	#15043(RC);15974;
1926.451(a)(2) to (a)(14)	#76-3944(RC);
1926.500(d)(1) to 105(a)	#14774(RC);
1926.552(b)(1)(i) to 800(m)(8)	#79-2270;
1926.652(b) to 652(c)	#78-4834;
1926.700(c) to 28(a)	#78-3094;
To Sec. 5(a)(1)	#857(RC);1483(RC);1731(RC);2287(RC);2739;7290;8842;11552; Ashworth;
At trial denied	#14280(RC);
New issue	#7290(RC);
New issue	#76-4056;
Not tried by consent	#78-1562;
Prejudice usually results	#857(RC);

AMENDMENT (Cont.)	
Standard (Cont.)	
To Sec. 5(a)(1) (Cont.)	
Same factual situation	#77-1202;Marquette;
From cited to one R argues is applicable	#77-3540;
Sua sponte by Judge	#76-163;76-3944(RC);
Sua sponte on behalf of pro se	#78-4986;
Substantial must be in writing	#4598;
Substitute proper party	#1988;
Timely notice of to prepare for trial	#11104;
To add new legal theory	#12767(RC);
To add standard	#6064;
To contest additional items	
Not permitted	#2028(RC);
To charge new standard w/o changing cit. lacks spec.	#15004;
Prejudice not possible required	#688(RC);
To correct	
Date of inspection	#13685(RC);
Not sub. to 6 mo. limit	#4704;
Date of violation	#3312;
Error in standard	#997(RC);1875;2287(RC);2938; 12136(RC);
Not permitted	#3028;76-140(RC);

AMENDMENT (Cont.)

To Correct (Cont.)

Error (Cont.)

Only if R permitted to raise all relevant defenses	#10923;
Identity of R	#4598;
Place of violation	#76-4460;
To create two charges out of one	#1968;
To repeated from willful	#7947;
To sever port. of cit. to create a new item	#9508;
To sub. ident. 1910 & 1926 stand.	#14425;
Tried by consent	#2538(RC);3491(RC);4725(RC); 11104;14154(RC);
If R intro. the evid. but not if R prejudiced	#1504(RC);
Implied if no objection to intro. of evidence	#76-896(RC);
No consent	#2538(RC);3491(RC);76-2879(RC); 80-5810;80-7116;
Not if first mentioned in brief	#4503(RC);
Well before hearing, rarely results in prejudice	#78-3398(RC);
When allowed	#510(RC);
When justice requires	Marquette;

AMENDMENT (Cont.)
- Who may #2739;
- Willful to nonserious #2538;76-3877(RC);
- Willful to repeat #2805;
- Willful to serious #4172(RC);5324(RC);78-50;

ANNUAL SUMMARY (Form 102)
- Must be maintained as spec. in CFR #1097(RC);

ANSI (See National Consensus Standard)

ANSWER
- Amendment (See)
- Dismissal of contest for failure to #458;770;960;1376;3508;
- Failure to #9815;80-6745;
  - Deny item in complaint admits it #4140;
  - Does not estab. lack of good faith #551;
  - Does not preclude RC from reinstating #2309;77-2040(RC);
  - Due to misunderstanding #1795;2295(RC);2390;
  - For good cause is excused #3701;4776;
  - RC lenient re #1868;
- Filed after decision final #2309;
- Filed does not preclude motion to dismiss #2367;

ANSWER (Cont.)	
Formulation of issues as	#191;
General denial permitted	#10952(RC);
Late excused	#1353;2295;3550(RC);
NOC equivalent to	#76-4761(RC);
Not necessary if R has good cause for not	#3701;4776;
Not timely filed	#3278;
What constitutes	#239;893;931;943;1353;
APPEAL, INTERLOCUTORY	#192(RC);11865(RC);12099(RC); 13332(RC);77-4297(RC);79-570(RC);
Form for	#562;1087;
At end of decision denying motion	#798;
Patterned after 28 USC 1292(b)	#4385(RC);
Pending amendment not proper subject of	#10136(RC);12831(RC);
APPEAL TO COURT (See Court of Appeals)	
APPEARANCE	#79-6784;
APPROVED	
Means by nationally recog. agency	#503;
ASBESTOS	#77-2039(RC);78-741(RC);78-2419(RC); 79-2711;79-4080(RC);80-2196; 81-241;81-246;
Monitoring	#11756(RC);13732(RC);79-6918(RC);
Physical exams	#80-2196;

ASBESTOS (Cont.)	
Scientific test not necessary to establish presence	#13102(RC);78-773;
Technical discussion of	#78-414;
ASSUMPTION	
By both sides	#419;
No substitution for facts	#250;412;
ATTORNEY	
Fee and costs	
Assessment of	#4707;Beall;
Recovery of	#2739(RC);77-1895(RC);

BACK-UP SIGNALMAN	#133;
BANKRUPT RESPONDENT	
Does not relieve R of requirements of Act	#11014(RC);77-3491(RC);
Obligation to participate	#78-1349;
Penalty serves no purpose	#1610;
BARGE LOADING	
Longshoring (1918.3(1))	#1671;
BRIEF	
G filed late	
Effect of	#840;14886(RC);
G refused to file	#922(RC);
Posthearing not required for RC review	#76-637(RC);
Simultaneous not violation of due process	#2240;
BURDEN OF PROOF	
Abatement	
Means of on SOL	#9224(RC);
Contra	#12501(RC);
Means in 28(a)	
Not necessary to show feasibility & likely utility	#79-989;
Accident	
Fact of doesn't sustain burden	#1367;(See Accident);
Affecting commerce	#3701;
Affirmative (Defense)	#3813;Southern Colo.
Failure to abate	
Orig. cit. not viol. on R	#76-4043;

BURDEN OF PROOF (Cont.)

Affirmative (Defense) (Cont.)	
Isolated instance is	#524(RC);
Lack of jurisdiction on R	#738;
On R Alleging subcontractor defense	#3064(RC);Atlantic & Gulf; Bratton
Air contaminants On SOL to estab. eng. & adm. controls	#7359(RC);
Air pressure Failure to meter	#456;731;
Based on facts and not speculation	#388;
Citation not timely	#2123;
Collected dust not shown to be all forbidden matter	#1422(RC);
Conclusion by CO doesn't satisfy	#801;3688;
Conditions precedent Must be shown	#439(RC);1607;
Constitutional issue	#2847;
Different under 5(a)(1) and 5(a)(2)	#3069(RC);76-1174(RC);
Discussion of	#1;419;425;426;
Distance vital but only estimated	#1127;5482;.
Economic feasibility on SOL	#3973(RC);10925(RC); 13490(RC);RMI;

BURDEN OF PROOF (Cont.)

Electrical power in line	#15809;
Employee conduct forseeable	#78-4070;
Employee is R's	#1129;1333;4808;
Employee is working	
Presumption he is if on worksite during working hours	#524;
Employee NOC re abatement	#1942(RC);
Engineering or adm. controls on SOL	#13773;13949(RC);79-361;79-4077;
Economic & technological feasibility on SOL	#76-222(RC);77-2235;
Estimation of effect of heavy weight on excavation wall	#6644;
Evidence evenly balanced	#76-3890;
Evidence in conflict	
Does not sustain burden	#425;2096;
Evidence must be clear & convincing	#76-3337;
Evidentiary rule applicable to	#425(RC);
Exemption from Act on R	#5873(RC);8285(RC); 10799(RC);
Exemption from standard on R	#4415(RC);5873(RC); 8285;10825(RC);14536(RC); 16193(RC);
Exposure to hazard	#559(RC);1955;4356;14748;
Fact of accident does not sustain	#441;(See Accident);

BURDEN OF PROOF (Cont.)

Failure to carry	#557(RC);
R supplies deficiency	#14249(RC);
Failure to establish nature of soil not carrying	#76-349(RC);79-1235;
Failure to measure distance doesn't sustain (See Distance Vital, above)	#531;572;
Failure to measure slope	#79-5789;
Failure to prove board used as level or bridge	#849;
Failure to prove conditions precedent	#425;439;
Failure to prove every fact of standard	#2339;
Failure to prove hazard	#498(RC);78-3133;79-915; 79-1424;79-5413;
Failure to prove hazard thru R's employee is G error	#1229;
Failure to prove nature of liquid	#836;2739;
Feasible controls (See FEASIBLE ENG. CONTROLS)	#7925(RC);
On SOL	#3973(RC);10270;13949(RC); 78-2128;Bristol;RMI:
Contra	#12523(RC);12876(RC);13949(RC); 15855(RC);79-5201;
Even if not raised	#7992(RC);
5(a)(2) SOL must prove how hazard could be avoided	#7792(RC);Diebold;
Flammable liquid	
Not est. without sample and test	#180(RC);

BURDEN OF PROOF (Cont.)

General duty clause	#3304;13659;78-5523;79-1176; 79-2756;
SOL must show by specific and detailed evid. what should be done	#77-4219;Hanovia Lamp;
Hazard	
Where standard presumes	#76-93(RC);76-3517;78-3133;
Impossibility of performing work	
Burden on R	#3725(RC);
Contra	Bristol;
Infeasible on R where standard prescribes method	#80-5124;Ace;
Infeasible methods put forth by c.o.	#78-3766;
Informer privilege	#5873(RC);
Jurisdiction	
Rests on G	#657;
Knowledge	
Generally	#76-4611;
Met by substantial evidence	#14;268;
Noise level	#268;937;3905;
Not met unless meter used	#1592;
SOL must est. that eng. controls will achieve full abatement	#15654;
Not subject to Act rests on R	#738;
Not sustained	
As to angle of repose by photos and estimates	#2436;79-1235;

BURDEN OF PROOF (Cont.)	
Not sustained (Cont.)	
Where gross negligence of employee is equal cause	**#9;**
Where SOL fails to rebut aff. def.	**#1746;**
On challenger of constitutionality	**#345;**
On SOL	**#412;565;608;937;80-119;**
All elements of violation	**#146;**
Even if no hearing	**#5390;**
Must show cause of accident	**#9;219;564;**
No speculation or conjecture	**#77-2202;**
To establish knowledge	**#1422(RC);**
May do so by presumption	**#5356;**
Penalty	**#1;**
PMA	
On petitioner	**#1924;**
Preponderance of evidence for	**#326(RC);425(RC);3347;7690(RC); 13442(RC);80-1552;Olin;**
Prima facie case	
After SOL ests. R has burden of going forward	**#9890(RC);**
Prior citation final on SOL	**#3895;**
Prot. clothing need on SOL	**#78-139;**
R has re impossibility if standard specifies	**Diebold;**

BURDEN OF PROOF (Cont.)

Rulemaking vis a vis enforcement	#80-119;
Safe operating conditions	#832(RC);
Safety program adequate (See SAFETY PROGRAM)	
Sec. 5(a)(1) analysis not app. to specific standard	#15855(RC);
Seriousness of violation	#2311;
SOL has as to	
Abatement feasible if standard does not specify	Diebold;
All elements of violation	#78-5270;79-4709;B&B;
At least one employee exposed	#4679;
Engineering controls feasible	#1551(RC);
Fact of violation	National Realty;B&B;
Factual matters	#3438;
Steps to avoid cit. & feas. & util. of measures	Champlin;
System inadequate	#82(RC);
SOL need not disprove isolated occurrence which is affirmative defense	#524(RC);
SOL speculation or conjecture doesn't satisfy	#4679;

BURDEN OF PROOF (Cont.)

Standard applicable rests on SOL	#702;78-5450(RC);80-5810;
Subcontractor defenses on R	Bratton
Substantial evidence for	#326(RC);594;836;1128;1367;
Defined	#1367;
Testimony vague	#1806;79-2548;
Testing required but not done	#2739;
Trade Secrets (See)	
Violation	
Exists	#1;National Realty;B&B;
In workplace no longer in exist.	#388;
Knowledge	#13315(RC);
Measures to take to abate	#76-559;
SOL must show by preponderance of evid.	#7690(RC);
When it occurred	#412;425;
Where R shows it cannot anchor lifeline SOL must rebut and show it can	#16058(RC);

CAUSE OF ACTION	
Changed in defined	#14315(RC);
CERTIFICATION OF RECORD	
Form	#11;
CHARGE	
Duplicative	#80-927;
Includes citation and complaint	Nat. Realty;
Prosecution of	
SOL cannot be forced to	#10340(RC);
CIRCUIT RULE (See Court of Appeals)	
CITATION	
Abatement methods not included in	#77-580;
Alternative charge (5(a)(1) plus standard)(See Amendment)	
At trial not accepted	#5324(RC);6972(RC); 8842(RC);15522(RC);
Contra	#14968(RC);
In complaint not permitted	#6764;
Must dispose of both	#161(RC);
Not appropriate	#161(RC);4725(RC); 9507(RC);
Alternative pleading	#8842(RC);
Ambiguous	
Closing conference clarified	#11222;
Amended by judge	#79-4462;

CITATION (Cont.)

Authority of SOL to issue	#76-308;
Based on ANSI must specify section	#1228;
Based on good faith belief from data gathered at inspec.	#4385(RC);77-2512(RC);78-5751;
Based on silence of R re safety pract.	#2805;
Basis of enforcement and not complaint	#4598;
Combining multiple other in serious (See Violation, Multiple)	
Complaint included in	#3324(RC);
Compliance need not be spec. by SOL	#13463(RC);
Considered in most favorable light	#2354(RC);
Defect in cured by complaint	#72;285(RC);298;
Defect in cured by R's knowledge	#2437(RC);
Defect in not cured by stipulation	#1364;
Defined	29 CFR 2200.1(c);
Delay in issuing	
Prejudice must be shown for valid defense	#11742(RC);
Delivery of	
To job superintendent	#1342(RC);
Describe violation with particularity	#1689;1942;2384;3905;
Failure to must prejudice R	#3905;

CITATION (Cont.)	
Describe (Cont.)	
Failure to not fatal if R on notice	**#2437(RC);**
Double charging	**#2888;3223;4182(RC);10929(RC);**
Duplicative will be vacated	**#76-1036(RC);**
Employer named	
SOL's intent governs	**#14822(RC);**
Equivalent to complaint	**#76-4761(RC);**
Failure to give date of inspection	
Not fatal where R on walkaround	**Ringland;**
Failure to issue doesn't grant immunity	**#78-29(RC);**
Failure to post not basis for dismissal	**#725(RC);**
"Failure to provide" includes "failure to instruct" in des. vio.	**#12964(RC);**
Fair notice & location of viol. all that is required	**#76-2049(RC);**
Final	
SOL cannot withdraw	**#9529;**
Final because no NOC	**#2872;Echols;**
RC may not vacate	**#3375;**
FRCP #15	**#111;112;**
Hearsay not enough to support	**#668(RC);**
Incorrect citation mailed to RC	**#2013;**
Incorrect standard	**#680;1430;5221(RC);12136(RC); 76-163;**

CITATION (Cont.)

Issued to wrong corp. of R	#4224(RC);
Not fatal where complaint issued correctly	#4598;
Items of	
Each is a separate citation	#2870;
Grouping several to make serious	#76-2721;
Not contested becomes final	#524(RC);
Omitted in complaint is abandoned	#538;810;
Mailed to violation site & corp. hq.	
Times runs from receipt at corp. hq.	#76-1698(RC);76-4492;
Mailed to violation site where employee auth. to correct	#78-5520;
May amend by complaint as long as R gets fair notice (due process)	#72;285;594;
Means each item thereof	#2870;
Multiple for same offense	
SOL estopped to harass	Cont. Can;
Multiple standards in alternative	
Not fair notice to R	#10411(RC);
Must be specific	#1128;1645;1761;
Need not be technically accurate in naming employer	#14822(RC);
Not contested	
RC lacks authority to modify	#946(RC);
SOL lacks authority to withdraw	#946(RC);

CITATION (Cont.)

Not narrowly construed	#78-3216(RC);Nat. Realty;
Not service of process under FRCP #4	#14822(RC);
Not specific but clear	#1916;
Not tolled by petition for variance	#914;
Observed violations only (except acc.)	#22;
Omission of in complaint indicates desire to amend	#538;
Only SOL may initiate	#2739;
Oral amendment not permitted	#12798;
Part of complaint when attached thereto	#3235(RC);
Particularity of (See Sec. 9(a))	#60;683(RC);1221;1477; 1592;1761;1936;2028; 2183(RC);2200(RC);4306; 5486;6976;11865(RC);
Affirmative defense of must be raised before RC review	#14702(RC);
Cannot merely say in accord with ANSI	#838;
Citing standard that incorporates by reference	#10639(RC);
Consider pleadings, discovery, hearing & decision stage	#11865(RC);76-2049(RC);
Discussed	#78-3224;
Depends on factors other than language thereof	#8500(RC);

CITATION (Cont.)

Particularity of (Cont.)

Discovery can cure lack of	#14702(RC);
Failure to list inspection date	#3028(RC);
Failure to provide cont. & eff. hearing cons. program not	Harrison Lumber;
Fair notice of general location of noise satisfies	#76-1463(RC);
Generally	#11865(RC);
Grouping of violations does not cause lack of	#78-1595;
Lack of as defense in failure to abate	Harrison Lumber;
Lack of cured by R's knowledge	#11865(RC);13067(RC);78-2589;
Lack of cured if subsequently clarified	#9224(RC);11865(RC);
At hearing	#76-1463(RC);
By discovery	#76-1463(RC);
Lack of not cured by	
Discovery	#2367;
Contra	#76-1463(RC);
Oral statements	#2200;4415(RC);13067(RC);
Remarks at closing conference	#683;2200(RC);
Testimony at trial	#2532(RC);
Contra	#76-1463(RC);
Method of abatement not specified	#77-2484;

CITATION (Cont.)

Particularity of (Cont.)

Notice to R sufficient	#2802(RC);4415(RC); 5599(RC);11865(RC);76-2049(RC); 78-1054(RC);
Not lacking because cited standard misprinted in FR	#16059(RC);
Repeat charge	Todd II
Motion for more definite statement will cure	#78-1907;
Repeat words of standard	#76-2049(RC);
R must seek nature of violation	#7711;
Standard violated must be cited specifically	#1768;1823;
Portion violated must be described	#2532(RC);
Sufficient if R knew correction action to take	#9666;
Too much noise in plant not	#2367;Harrison Lumber;
Too much noise in specific areas of plant	#3813;
Verbal clarification does not cure	#1936;
Where R knew of violation cit. can be less specific	#13067(RC);

Party

Amendment to show proper not accepted	#4224(RC);

Penalty for not posting(See Penalty)

CITATION (Cont.)

Penalty limitation for 10 or less N/S does not preclude	#76-2992;
Poorly drawn but adequate	#141;
Posting	
Failure to not basis for dismissal	#725(RC);2091;
Prior non final admitted to est. knowledge but not history	#9225(RC);
Promptness in issuing (Reasonable - 72 hours after viol. det.) (See Sec. 9(c) of Act)	#117;687;692;1036(RC); 1105(RC);1556;1780;2567; 3813;3945(RC);5989(RC); 11186;76-4507(RC);
After all lab. tests completed	#10757(RC);
After decision to cite is made	#2123(RC);
By area director	#6344(RC);
How to determine time of decision	#6794;
After Labor Dept. approved issuance	#5521;9740;10687(RC); 12215(RC);
At issue	#4350;
Affirmative defense (See Defense)	#2038;4182(RC);
Burden on R to establish not	#2123;6794;
Discussion of	#687;744;2123;3248; Todd;
Mandatory	#2123;
May be as to one and not another item	#1780;

CITATION (Cont.)
Promptness in issuing (Cont.)
At issue (Cont.)

Must be raised in pleading (See Jurisdiction, same subject)	#744(RC);1036(RC);1097(RC): 1105(RC);2960;4182(RC);5540; 6283;
Must show when decision process ends	#5960;
Prejudice required	#77-3886;80-6717;Stephenson;
R must raise	#665;687;692;744;1036;1037(RC); 1183;1420(RC);2123;2567(RC);
Show prejudice by delay	#1487;2097(RC);2960;4415(RC); 4956(RC);5303(RC);5540(RC); 6804(RC);9740(RC);9760;10687(RC); 12215(RC);76-4507(RC);77-2484; 78-2589;
Waiver as defense if no NOC	#2114;
When raised	#4172;
As soon as Area Director could complies	#11543;
Decision to cite	#8116;
Defense of requires prejudice	#6277(RC);
Delay must be unconscienable	#5540(RC);10639;10687(RC);
Exceptional circumstances in Bureaucratic wrangling not	#6794(RC);
Patently unnecessary & unreasonable delay	#6794(RC);
Factors to determine	#10698;

CITATION (Cont.)

Promptness in issuing (Cont.)

Insufficient typists	#11222;
Jurisdictional issue	
May be raised anytime	#319(RC);497;1036; 1037(RC);
Mailed to R after mailed to informer	#829(RC);
Massive inspection as reason for delay	#79-25;
More than 6 months after viol.	#77-1003;
More than 6 months after viol. observed but within 6 mos. of inspec. date	#77-4350;
Prejudice not est. because witness memory faulty where hearing 7 mos. after inspection and R did nothing to preserve	#78-1595;
Reasonable	#391(RC);
Determined by facts in each case	#7606(RC);
Reversed	Chicago Bridge;
RC will not second guess and only vacated where delay unconscionable	#8500(RC);
Six month limitation	Bloomfield;
Within 3 days after CO's report rec'd.	#5057;
Within 3 days after soil analysis rec'd.	#5724;7388;
Within 3 days after sample analysis rec'd.	#10757;

CITATION (Cont.)

Promptness in issuing (Cont.)

Within 4 days of inspection	#5475;
Within 6 days of inspection	USS;
Within 8 days of inspection	#6191;
Within 10 days of inspection	#11092(RC);
Within 11 days of inspection	#4704;
Within 14 days of inspection	#13693;
Within 17 days of inspection	#117;15690(RC);
Within 19 days of inspection Not unconscionable	#76-1498;
Within 22 days of inspection	#13693;
Within 27 days of inspection	#7360;
Within 28 days of inspection	#1626;1627;
Within 30 days of inspection	#5540(RC);
Within 33 days of inspection not	#2490;
Within 34 days of inspection Ship no longer under R's control	#2490(RC);2651; Todd;
Within 35 days of inspection	#464;
Within 36 days of inspection	#11222;

CITATION (Cont.)

Promptness in issuing (Cont.)

Within 40 days of inspection not	#2430;
Within 42 days of inspection not	#78-1907;
Within 45 days of inspection	#769;
Within 49 days requires prejudice	Bethlehem III;
Within 51 days of inspection	#1255;
Within 60 days of inspection	#2128;
Within 64 days of inspection	#9740(RC);
Within 67 days of inspection	#1420;
Within 69 days of inspection	#1780;
Within 76 days of inspection	#2123;
Within 89 days of inspection	#1487;2567;
Within 104 days of inspection	#10687;
Within 111 days of inspection	#2214;
Within 117 days of inspection	#497(RC);
Within 125 days of inspection (no good)	#6794(RC);
Within 128 days of inspection	#678;1482;
Within 131 days of inspection	#2939;

CITATION (Cont.)

Promptness in issuing (Cont.)	
Within 156 days of inspection	#78-5310;
Within 3 months of inspection	#1487;
Within 4 months of inspection	#678;1482;
Within 6 months of limitation	Bloomfield;GE;
Within 7 months after accident but two months after inspection	#1700;
Protective clothing	
Not worn but cited as not providing	#1871;
Received by respondent	
Established by return receipt card	#9890(RC);
Respondent misidentified in	#4090;4395(RC);
Harmless if R not prejudiced	#4626(RC);
Same violation at different locations - several citations	#4182(RC);
Separate for each violation	#2870;
Serious violation	
Lesser included	#4172(RC):Vy Lactos;
Service	
On foreman or supt.	#5731;76-1698;Buckley;
Contra	#76-2165(RC);
On jobsite	
Not necessarily fatal	#14839;78-5997;
Only on designated officials	#12699(RC);76-1698;

CITATION (Cont.)	
Service (Cont.)	
Refused	#5023;
Wife	#4309(RC);
Single citation for each inspection	#8859(RC);
SOL authority to issue limited	#76-308;
SOL determines scope	#76-4572(RC);
Specific reference to NEC not corrected by complaint to new section	#849;
Specific standard over 5(a)(1)	
Only if standard addresses part. hazard	#78-6177;
Specificity lacking	#2541;79-2510;REA;
Cured by complaint	REA;
Must specify section of NFPA relied on	#2183;
Statutory vehicle for notice to party	Bloomfield;
Supplemental	
Timely NOC to new violation but not to old	#3230;
Vacation of	#604; 78-1361(RC);
Contumacious conduct required	#77-3861(RC);
Failure to post	#4793(RC);
Failure to present evidence at hearing	#80-999(RC);
Prejudice	#11865(RC);

CITATION (Cont.)	
Vague (See Standard)	#764;823;1761;1763;
Violation being corrected at time of inspection	#1142;
What it is	#6792;
When final cannot be amended	#76-4699;
Who issues	#1722;4503(RC);
When state has concurrent juris.	#11092(RC);
Who to	
Prime v. sub.	#412;413;
Withdrawal	
After NOC - only w/RC approval	#2939(RC);
Employee may not object	#11581;
Not unilateral	#2579;2739;2939;
SOL cited wrong standard	#80-6482;
CITATION IN DECISION	
Labor Department publication	#2116;
CIVIL PROCEEDING	#3347;
CLOSING CONFERENCE (See Compliance Officer)	
COAST GUARD REGULATIONS VIZ OSHA	#10820;77-4234(RC); 79-4905(RC);79-6896;
CODE OF FEDERAL REGULATIONS (See Standards)	

COLLATERAL ESTOPPEL (See Res Adjudicata)	#587;2873;7855(RC);76-140(RC); 10798(RC);Cont. Can;(CCH 23,696)
Discussed	Buckeye
Requires actual prior litigation	#7855(RC);
COMMERCE	
Apartment building not	#1605;1654;2213;
Business affecting (See Affecting Commerce)	
COMMON LAW DUTY	
General duty is statement of	#471;
COMPLAINT (See Citation; EMPLOYEE, Complaint)	
"And at other times", too indefinite for use in	#678;
By employees under section 8(b)(1)	
Copy to R	#2128;
Form for (OSHA-7)	#563;829;
By non-employees	
Authorized	#563;829;
Citation equivalent to	#76-4761(RC);80-1612(RC);
Contra	#79-6850(RC);80-75;80-1672(RC);
Corrects defect in citation	#456;REA;
Defect in not necessarily fatal	#370;1262;
Where R had notice of	Savina;
Deviates from citation	
Constitutes amendment of	#167;186;496;1036;5992(RC);
Due to inadvertence	#370;

COMPLAINT (Cont.)	
Deviates from citation (Cont.)	
Dismissed because not timely	**#1106;**
Dropping item in citation is abandoned	**#538;694;810;**
Error in corrected by Judge	**#538;**
Failure to file	**#78-5813;79-6850(RC);80-75(RC);**
Full litigation of unlisted item satisfied due process	**#456;**
Includes issue not contested & R answers	**#78-1799;**
Includes item not contested and final Does not reinstate	**#1098(RC);**
Failure to amend	**#80-3733;**
Failure to file	
Contumacious conduct	**#80-1416(RC);80-5986;**
Contra	**#80-1612(RC);80-2234(RC);**
Lack of prejudice shown	**#80-75(RC);**
R may waive but not judge	**#80-1636;**
Filing Mandatory	**#79-6850(RC);80-75(RC);80-1612 (RC);80-1672(RC);80-6008(RC);**
Item in not denied in answer is admitted	**(See Rule 33(b)(2), this index);**
Item omitted is considered dropped	**#538;694;810;2453;3223;**
May amend citation if employer on fair notice	**#72;285(RC);**

COMPLAINT (Cont.)	
May incorporate citation by attachment	#3235;
More particular statement	#1262;
Nonreceipt by R	#3481(RC);
Not sole form of notice	#7711;
Not timely	#572;78-3352(RC);
Any excuse will serve	#12528;76-3721;
Not ground for reversal	#79-7223A;Nat. Ind.
One day late not fatal	#76-93(RC);
Specific standard to 5(a)(1)	#1264;
Unsupported allegation in	#367;
Untimely	
Contumacious conduct	#80-6008(RC);
Defense of requires prejudice	#78-523;79-4950;79-6850(RC); 80-75(RC);80-1612(RC);80-2234(RC); National;
Waiving time requirement	#572;
Who may make	#563;
Withdrawal by Secretary (See)	#1153;2579;2739;2939;
5(a)(1) to specific standard	#1046(RC);
COMPLIANCE (See Abatement)	
Financial difficulty no excuse	#1306;
Impossibility	#154;239;295;335;1698;2043;

COMPLIANCE (Cont.)
  Inconvenience of not defense #7925(RC);

  Inferred re future #106;

  Must be safe also #76-360;

  No assurance of future - not fatal #106;563;646;

  Prevented by police intervention #81-614;

COMPLIANCE OFFICER
  Ability to determine violations #14895;

  Authority
    De Facto and De Jure #76-171(RC);80-1636;

  Closing conference #1221;
    Defective
      Cured by prehearing and trial #5324;
        Not necessary to specify viols. #825;2703;

    Failure to hold #76-657(RC);79-5789;
      Failure to identify as such not #13321;

  Credentials (See CREDENTIALS)

  Entry not denied #81-635

  Expert
    Paint content #1487;

  Exposure to hazard
    Need not in order to check violation #145;

  Impropriety of actions by #2888;4012;79-5707;80-6601;

  Little experience
    Opinion not accepted #13348;77-2735;79-3392;79-7156;

  Multiple representation #79-569;

COMPLIANCE OFFICER (Cont.)	
Must see violation (See Violation)	#79-1554;
Contra	#80-6793;
Nonexpert v. expert witness	#4145(RC);
Notes of inspection	
Disposition of	#2339;
Opinion of subordinate to RC	#13529(RC);
Opinion at variance with area directors	#79-4612;
Opinion at variance with standard not sub. evid. to est. violation	Bethlehem III;
Prejudice of	
Prior employment by R doesn't estab.	#3460(RC);
Recognition of expertise	#90;16200(RC);80-2760;
Lack thereof	#79-4615;79-6145;
Representations by	
OSHA should not deviate from	United Parcel
Statements by not binding on Secretary	#78-6214;
Suggestion of followed by R at his peril	#13955(RC);
Testimony	#78-332;79-2215;81-264;
Lack of credibility	#78-204(RC);78-4479;79-2379;81-27;
Testimony from memory	#137;
COMPLIANCE OPERATIONS MANUAL (COM)	#876(RC);8165(RC);
Compliance with implied	#837(RC);
Directed by Congress	#1;

COMPLIANCE OPERATIONS MANUAL (COM) (Cont.)	
Effect of	#829(RC);4182(RC);11865(RC); 13155(RC);16067(RC); 76-752(RC);77-1811(RC); 81-1366(RC);
Follow up inspection	#80-785;
Industrial hygiene	#80-785;
Audiometric testing required	#80-1841;
Not binding	#14315(RC);16067(RC);76-2721;
Not standard or substantial rule	#14302(RC);
Official notice of	#123;
CONSENSUS STANDARD	
Discussion of	#563; 76-5255(RC);79-936;
CONCLUSION OF LAW	
Must be supported by FoF	#14822;GE;
CONFERENCE	
Closing (See Compliance Officer)	
Informal discretionary	#4484(RC);
CONFLICT OF LAWS	
State v. Federal	#1697;2014;
CONSOLIDATION OF CASES	
Does not signify co-respondents are single entity	#849;
CONSTITUTIONAL ISSUES	
Act does not violate	Atlas;Lake;
Administrative remedies must be exhausted first	Lance Roofing Co.;
Must be raised before Judge	Stockwell;

CONSTITUTIONAL ISSUES (Cont.)

Affecting Commerce (See)	#1324;
Burden of proving on one who challenges	#345;2847;
Commission Members obliged to support	#76-357(RC);
Delegation of powers	#28;78-523;
Due process	#22;78-523;
Satisfied by administrative procedures	#471;
Satisfied by full litigation	#456;
Evidence re may not be received	#801(RC);
Fourth Amendment issues	
Barlow's not retro.	#14907(RC);6352(RC);77-3121; 78-2739(RC);
Equates with Sec. 8(a) of Act	#76-3241(RC);79-2452;
Must be raised before RC	Bethlehem III;
RC competent to consider	#77-2788(RC);
Warrants	#80-1308;80-2378;
Jury trial not required	Irey;Beall;Atlas;Mohawk
Lack of notice of standard's specificity	#78-327;
Of standard	#345;14188(RC);
Penalty, civil	Irey;Am. Smelting;Lake Butler; Mohawk

CONSTITUTIONAL ISSUES (Cont.)	
Posting OSHA poster does not violate	Lake;
RC lacks authority to determine	#17;28;48;74;155;323;345(RC);456; 503;681;701;916;1009;1040(RC); 1324;1504;1874;1875;1889;2028; 2805;3552(RC);15690(RC);76-4637; 77-3773;78-523;Buckeye;
Contra	#1863;
Review Commission may	
Determine applicability	#1053;
Increase penalty	Sheehan;
Section 5(a)(1)	#10;471;
Seventh Amendment not applicable to administrative proceedings	#15690(RC);76-891(RC);Irey;
CONSTRUCTION INDUSTRY (See Const. Work below)	
Discussion of what is	#1689;5139(RC);76-186;
Each employer on site responsible to all employees	#12775(RC):Underhill;
Employee defined	#2097(RC);
Engaged in	
Dismantling crane as	#1888;
Dismantling derrick as not	#5139(RC);5991;
Removing steel furnace core as	#1689;
Where shares common goal of constructing	#14620(RC);
Includes	
Construction manager	#5064(RC);14620(RC);
Architectual engineer not (dist. Const. Mgr.)	#2165(RC);

CONSTRUCTION INDUSTRY (Cont.)	
Includes (Cont.)	
Landscaping, planning and construction but not lawn mowing, etc.	#1646;
1910 does not apply to	#7290;
Contra	#76-190(RC);
CONSTRUCTION OF(See STANDARD and STATUTE)	
CONSTRUCTION SAFETY ACT	#567;13874(RC);
Not applicable	#6418(RC);
Validly promulgated	#15230(RC);80-3921;
RC can't challenge	#12525(RC);76-181(RC);76-891(RC);
CONSTRUCTION STANDARD	
Delivery to site not enough to make subject to	#1324;
Effective date of	#2097(RC);
Facts surrounding act. determine	#14281(RC);
Gas drilling	
Not covered by	H-30;
Landscaping comes under	#1646(RC);
Oil drilling not covered by	#15854; 76-2165(RC);77-3581;H-30;
Contra	#80-4976;
Oil prod. not covered by	#76-1308; 77-1334(RC);
Properly adopted	#1889(RC);
Telephone installers under	#9627(RC);4210(RC);15841(RC); 76-2516;

CONSTRUCTION STANDARD (Cont.)	
Who covered by	#5064(RC);6007(RC);12651;
CONSTRUCTION WORK	
Architect not	#2165(RC); 81-954S;
Barges	#15757(RC);
Building maintenance not	#5378;
Construction manager as doing	#5064(RC);
Contract entered into prior to 4-27-71 R still subject to Act	#1307(RC);Underhill;
Defined	#1324;1389;1646;1689;1888;1889; 9627(RC);15169(RC);76-186;Bechtel
Delivery man	
Not in	#1324;5139;
Unless he assists builder through unloading, etc.	#5139(RC);
Dismantling derrick as	#5991(RC);
General industry standard applicable to	#14523(RC);
Geophysical exploration not	#78-6265;
Logging not	#15169(RC);
Moving telephone poles as	#4210(RC);
Oil drilling not	#76-2165(RC);
Relining kiln not	#4725(RC);
Remodeling is	#12651;

CONSTRUCTION WORK (Cont.)	
Replacing broken wire is	#77-3127;
Telephone cable splicing not	#14761(RC);
Telephone installation is	#15841(RC);
When working on water is	#11007;
CONTINUANCE	
Basis for	#8629(RC);79-5707;80-3115;
CONTRACT	
Effective date	#3344(RC);
CONTRACTOR (See Employer)	
CONTROLS	
Administrative	
SOL est. prima facie when he shows limiting exposure poss.	#618;3827;
Generally	
Must achieve substantial reduction in noise to be feasible	#6352;
Tech. & econo. feasible required to be proved by SOL	#77-1022;
CONTUMACIOUS CONDUCT	#76-171(RC);79-1059(RC);79-6850 (RC);80-75(RC);80-1416(RC); 80-6008(RC);
CORPORATE OFFICERS	#14910(RC);
CORPORATION	
Multiple with common personnel	
Amend. proper to name correct R	#15009;
COSTS OF TRIAL (See Attorney's Fee) (28 USC 2412;Rule 55(b), FRCP)	
Only if R prevails (Court of Appeals level only)	Beall;McGowan;

COSTS OF TRIAL (Cont.)	
Not before RC	McGowan;
R may not recover	#15242(RC);McGowan;
COURT OF APPEALS (See APPEAL TO)	
Against rule	#4507(RC);9507(RC);13122; 14620;14858;
Appellant restricted to issues raised	Buckeye;Bethlehem III;
Circuit Ct. will only consider issue raised below	Felton;Keystone;
Collateral estoppel as to issue not appealed from Dist. Ct. and not litigated before RC	Buckeye
Exhaust adm. remedies discussed	Keystone;McGowan;Kockren;
Party must file brief before RC if requested in order to appeal	McGowan;
PDR required to go to CA	#75-2010;Keystone;Stockwell; McGowan;
Remanded by	#77-1895(RC);
Does not vacate standard	#14951(RC);
RC action required before ct. will consider	McGowan;
RC decision during	Lance;
Warrant issues must be raised below (See WARRANT)	BethlehemIII;
"COVER" (1504.43-Hatchcover)	
Defined	#1;

CRANE	#80-2771;
Backhoe	#6759(RC);8841(RC);78-4479;
Employee in use of	Butler;
Inspection	
By whom	Gerosa;
Installed prior to Aug. 1, 1971	#14948(RC);78-2462(RC); 78-3280(RC);78-5998(RC);
Not motor vehicle	#12200;
Observer	
Failure to have	#1320;
Positively served	#76-1567(RC);
Swing radius	#15046(RC);
Applied to crawler mounted	#5008;
CREDENTIALS	
Failure to present	#902;1483;4058;5324;76-1115;
Prejudice required	#5619(RC);
To subcontractor	#916;
Formal presentation not required	#3699;
Inspection only after presenting	#477(RC);920;1228
Contra	Hartwell;
Must be presented only if CO did not have auth. to be on site	#2240;
4th Amendment would bar a warrantless search	#477(RC);

CREDENTIALS (Cont.)	
Presentation of	#3699;
Not necessary if R knew CO	#2240;5581;
To ship boss when R's manager not found	#3821(RC);
Presumption of authority	#76-171(RC);
Suppression of evid. only if R prejudiced by CO failure to follow inspection procedure	#78-1353;Accu-Namics;Western;
Taking of pictures prior to presenting	#4012;5258;
Valid inspection as to sub if CO presented to general	#916;
Violation observed prior to presenting	#509;2829;4058;78-727
CREDIT	
State penalty - none	#2014;
CRIMINAL PENALTY	
OSHA penalty not (See Penalty)	#1504;
CYLINDERS	
Compressed gas	
Empty are covered	#810(RC);
May project if exploded	#1858(RC);1860(RC);
Prospect if exploded	#1558(RC);1860;
Standard does not apply to empty	#810;1127;
When not in use low level gravity	#354(RC);

DECISION (See Sec. 8(f)(1))	
Based on issue tried	#2128(RC);
Based on stipulation	#2474;7284;7862;
Brief	#1263(RC);
Findings of fact (See)	
Form of	#25;124;413;
Must reflect amended motion	#1034;
Must set forth basic findings of fact	#76-431(RC)
On stipulated record	#3657;
Only decide issue before ALJ	#1263(RC);
Precedent	
Not if on review	#2214;
Preponderance of evid. required to support	#16193(RC);
Quick required	Clarkson;
When made	
When received by RC	#722;
DEFAULT	
Judgment on	
Drastic sanction	#4899;77-2716; Forteza;
Respondent failed to appear at hearing	#77-2720;78-5457;80-4532;

DEFENSE (See Violation)	
Adequate safety program as	
Eff. enforcement ess. element of	#13266(RC);
Must be communicated to employees	#11015(RC);12212(RC);
Must be equal to standard violated	#11015(RC);
Affirmative	
Burden of is on party raising	#1589;1593;2038;3945(RC);5572; 6790;78-3899;Dorey;
Employee misconduct(See Employee conduct, this heading)	#76-4475;76-5307(RC);78-2321; 78-2860; 80-4245;80-5153;80-6325; 80-6687;
Effective enforced safety rule establishes	#16162(RC);79-3392;79-5933;
Contra	#15690(RC);80-3597;
Elements of	#76-2748(RC);77-2622;80-1866;
Employee is supervisor	#78-204(RC);78-2447;
Must be of work rule that is enforced and departure from unknown to R	#15721(RC);
Not applicable where R knew of violation	#76-2414(RC);
Not if it is foreseeable	#76-2551(RC);
Raises issue of whether training program adequate	General Dynamics;
Requirements to establish	#11028(RC);76-1538(RC); 76-4844(RC);78-2447;

DEFENSE (Cont.)	
Affirmative (Cont.)	
Employee misconduct (See Employee conduct, this hearing) (Cont.)	
Safety program automatically in issue	#79-557;
Supervision of supervisory employees	#81-560;
"Except" clause	#13155;
Feasibility	
Includes technology & cost	Burgess;RMI;
General duty (See this heading)	
Greater hazard must be established	#10411(RC);76-2858;77-314(RC); 77-2616(RC);78-4611(RC);79-3295; 79-6035;80-4420;81-109; 81-346S; Southern Colo.;
Alternative means need only acc. partial protection	#15094(RC);79-4830;
Alternative means of comp. unavailable	#1231(RC);3735(RC);9353(RC); 79-3295;
Compliance more hazardous than noncomp.	#14907(RC);76-1844(RC); 76-2339(RC);77-2778(RC);79-4161; 80-4099;80-5547;
Different hazard doesn't est.	#77-3910;
Elements of	#13646(RC);15094(RC);15855(RC); 15892(RC);76-357(RC);76-470(RC); 76-1104(RC);76-1410(RC); 76-1567(RC);76-1718;76-4114(RC); 76-4169;77-1568;77-2663;77-2876; 78-1402;78-3899;78-4675;78-6032; 79-112;79-3431;80-2760;80-6003;
All must be present	#77-705;

DEFENSE (Cont)
Affirmative (Cont.)
Greater hazard must be established (Cont.)

Increased risk required	#80-15098
New hazard not enough	#78-5958;
Not available to general duty viol.	#15169(RC);
Prefab. ext. walls in lieu of guardrails	#16059(RC);
Requires app. for variance first	Gen. Elec. II
Safety nets on steel erection not	#78-3126;
Impossibility of compliance (See this heading)	
Inferred for pro se	#78-5492;
Invalid standard as Burden of proof on R	Atlantic & Gulf;
Isolated instance (See VIOLATION, Isolated Instance and Employee conduct, this heading)	#2082(RC);11552;12354(RC);76-2858; 77-1116;77-5878;78-1681;78-3839; 78-4070;78-4986; 79-746(RC);80-3808S;
Elements of	#12398(RC);76-2414(RC);77-2762; 79-4733;;80-1866;80-4560;Ocean;
Good defense	#80-3597;Ocean II;
Leaning stack in warehouse	#77-3432;
Not if R knew	#76-2326(RC);80-6325;80-6344;

DEFENSE (Cont.)
Affirmative (Cont.)
Isolated instance (Cont.)

R must anticipate exposure	#76-5271(RC);
Rule not enforced	#76-3241(RC);80-4633;80-6325; 80-6344;
Work rule forbidding required	
Employee must be aware of	#77-2876;80-3866;
Jurisdiction	
State plan	#76-1201;
Lack of control	
R must show	Central of Ga.;
Lack of knowledge as	#2752;
Degree of diligence required to know	#78-3899;
Lack of ownership of equip. not	#13832(RC);
Must be raised early	#76-822(RC);
Must be raised in pleading	#5093(RC);
Must be raised before RC review	#14702(RC);
Noncomplying act is departure from workrule	
Workrules must be reg. enforced	#2295(RC);4713(RC);76-1393(RC);
Reasonable promptness is	#744(RC-Dis);6277;
R did everything it could to educate employees	
Examine safety program to determine	#9285(RC);76-1538(RC);

DEFENSE (Cont.)
Affirmative (Cont.)

R must est. and ALJ cannot shift burden to SOL	#6790(RC);
R must establish 3 elements	#13334(RC);76-165;
Safety program as	#80-5901;Ocean II;
Specificity lacking	#79-2510;
Standard would diminish safety	#3116;3735(RC);7918;
Burden of proof on R where standard specifies method	Burgess;
Compliance	
Back order of guard not	#4825;
Partial only	
Must also apply for variance	#14240(RC);
Compliance Officer only witness to viol. not valid	#76-3241(RC);
Cost of abating	#10;245;2856;7925(RC);
Employee conduct	#76-4627(RC);Champlin;Danco;
Failure to take other safety steps	#1087(RC);
Not if it conformed to employer's policy	Georgia;
Not if R knew of violation	#76-2326(RC);76-2414(RC);80-3320;
One on one supervision not required	#78-5637;
Took all necessary precautions to prevent violation	80-2036;80-3369;Gen. Dynamics;

DEFENSE (Cont.)
Employee conduct (Cont.)

Training an element if R relies on conduct of to excuse	Gen. Dynamics;
Emergency situation	#79-4222;
Exemption	
R must establish	#4616(RC);8285(RC);
Expense is not	#1602(RC);76-822(RC);
Failure to cite on earlier inspection	#78-583;
Foreman acting contrary to rules	#3069(RC);
General duty	
Abatement infeasible R need not show other means unavail.	#15169(RC);
Compliance creates add'l. hazards equal to cited hazard & not feasible to abate	#15169(RC);
Greater hazard not available	#15169(RC);
Greater hazard (See Affirmative, this heading)	
Hazard not present	#79-2813;80-5901;
Cannot be raised where SOL has determined that hazard exists when he issues standard	#76-93(RC);
Equivalent protection	#79-4222;

DEFENSE (Cont.)

Impossibility of compliance	#239(RC);295;355(RC);1731(RC);2043;2232;2579(RC);2792;3586;3735(RC);4235;6628;6972;8454(RC);11171;13646(RC);15052;15472(RC);15855(RC);76-2339(RC)76-2748(RC);76-2858;76-4114(RC);77-1091(RC);77-2588;79-112;79-6035;Southern Colo.;Bristol;
Alternative means must be unavailable	#15855(RC);77-2876;77-3543;79-2053;80-4099;
Alternative means need only accomplish partial prot.	#15094(RC);79-4300;80-5547;
Discussion of	#15094(RC);78-5920(RC);
Alternative means initiates defense	#9850(RC);77-553(RC);
Burden of showing on R	#6484;12883(RC);14005(RC);76-3488(RC);78-2739;78-5920(RC);Southern Colo.;
Does not infringe SOL's auth. re variance	#6972;
Elements of	#15094(RC);77-2876;
Guardrails prevent material delivery	#16059(RC);
Hazard of compliance greater than noncompliance	#9353(RC);11171(RC);
Not avail. if facts permit var.	#12063;
Impedes work	#394(RC);471(RC);2232(RC);14005(RC);78-2321;
Inconvenience insufficient	#80-4428;
Infeasibility	#80-5124;

DEFENSE (Cont.)

Impossibility of compliance (Cont.)

More than mere hindrance req.	#14249(RC);15855(RC);76-822(RC); 76-5302;
No alternative	#77-705;77-3910;80-5288S;
Only if no practical way	#2346(RC);
R must show it took alternative steps	#14907(RC);76-2349(RC);
R used only means available	#79-1719;
Security requirements	#79-1575;
Variance involved	#703(RC);
Work slowed by comp. not	#15206;80-234;
Impossibility of performance	#12883(RC);16200(RC);76-181(RC); 76-1844(RC);76-1718;76-2349(RC); 76-4507(RC);76-5089(RC);77-314(RC); 77-1091(RC);79-4262;79-4300; 79-5737;
Impractical	#7925(RC);78-4675;
Inconsistent permitted under FRCP 8(e)(2)	#76-2326(RC);
Inconvenience as	#1208;3042(RC);78-4675;
Infeasibility Not aff. defense	#76-4114(RC);Bristol;
Inspection procedure not followed Must be raised below	#76-926;

DEFENSE (Cont.)

Isolated instance (See Affirmative, this heading)	
Interferred with const. practice	
R must seek variance and defense rejected	Dic-Underhill;
R must show other means not useable	Dic-Underhill;
Interferes with production not	#77-3693;
Knowledge	
Lack of as	#79-2638;
Must be timely raised	#4419(RC);10330(RC);
Must be timely raised before RC	
Exception - Exceptional circumstances as Barlow	Todd II
Negligence of employee as	#83;
Prejudice	
In preparation of defense as defense	#76-3241(RC);
Multiple technical violations estab.	#78-4986;
Previous inspection didn't cite not valid as	#77-672;78-1384(RC);
Raised after trial is waived	#78-656;
Raised in Court of Appeals initially	RMI;
R did not create or control hazard	
If est. must show alt. steps or lack of knowledge	#3694(RC);12775;80-1268;80-4029;
Type of violation considered in this context	#3694(RC);
Realistic measures to abate	#15825;

DEFENSE (Cont.)

Realistic measures to protect	#12174;79-2129;
Remand	
R restricted to those raised initially	#9627(RC);
RC cannot raise unless R does	#9353(RC);
SOL can negate by showing essential elements could be implemented and then R must rebute	#76-1801(RC);
SOL does not have to prove hazard prev.	#12501(RC);
Steps taken are as good as standard	#3142;
Sua sponte raising of by ALJ	#13692(RC);
Subcontractor generally	#78-3494;
Subcontractor need not anticipate prime creating hazard	New England T & T
Subcontractor not responsible for violative nonserious cond., is not in viol.	#14022(RC);
Subcontractor who neither created nor controlled hazard	
Lack of knowledge required	#78-3979;
May est. alternative methods as def.	#77-3050(RC);
Sustained by preponderance of evid.	#703(RC);
Unavoidable accident	#84(Rev. by RC);

DEFENSE (Cont.)

Union not responsible for safety	**#80-6737;**
Unpleaded	
May be tried with express or implied consent	**#76-2748(RC);**
Unpreventable	**#14884(RC);16147(RC);76-3105(RC); 76-4627(RC);77-983; 77-2115(RC); 78-204(RC);78-5637;79-7156; 80-175;**
Employee conduct - Elements	**#13874(RC);16162;76-181(RC); 76-3010(RC);77-617(RC);77-2117 (RC);78-3839;78-6265(RC);79-162; 79-1173;79-3515;79-4455; 80-1025;80-1987S;80-2036; 80-3597;80-6344;**
Exposure time	**#80-3407;**
Violation of company safety rule as	**#85(RC);3069(RC);3551(RC);77-983; 78-1363;78-6265(RC);80-3716;**
Violative cond. created by sugg. of CO not valid	**#13955(RC);**
Warning to employees not adequate	**#80-6344;**
Willful charge	
Absent prior viol. not a defense but factor in determining willfulness	**Nat. Steel;**

DEFINITION OF WORDS(See WORDS AND PHRASES)

DELEGATION OF POWER

Adjudicative function to RC not unconst.	**Beall;**
Presumption of regularity	**#76-171(RC);**

DE MINIMIS VIOLATION

Characterize	#1(RC);13996(RC);16184(RC); 76-4507(RC);
Defined	#123;145;76-4371(RC);78-2894(RC);
If no dir. relationship to OS&H	#1105(RC);7987(RC);15631(RC); 77-617(RC);77-2235(RC); 78-187(RC);
Dirty washbasin as	#445;
Exit signs where exit clearly visible	#13071(RC);
Electrical	
Meets 1975 but not 1973 NEC	#15983(RC);
Face mask over beard	#77-2235(RC);
Failure to keep accurate injury report	#78-3161;
Fall of 5' not	#77-2526;
Fire sprinkler missing	#78-2026;
Food wrappers as debris	#76-3103(RC);
Forklift unattended	#80-1436;
Hazard has negligible relation to health and safety	#13401(RC);13750(RC);78-332; 78-2894(RC);
Hazard trifling	#76-1924(RC);76-1930;78-31(RC);
Injury log, failure to keep	#1578;2185;
Ladder cleats as	#1750;

DE MINIMIS VIOLATION (Cont.)

Lathe chuck guards	#78-1568;
Minor cuts	#79-53;
Negligible violation	#80-1224(RC);
Order changing citation to	#145;79-1813;
Pit as	#7987(RC);
Platform railing as	#2613;
Railings on stairs on an incline	#13750(RC);
Recordkeeping as	#4387(RC);
Rung rusty	#77-2876;
Rung spacing	#76-814(RC);76-3444(RC);77-2922(RC);77-3645;79-4335;
Separate toilet compartment	#4734;
Sewing machine guards as	#5007(RC);76-1410(RC);78-5818;
Slight overload of crane	#77-2876;
Slight probability of injury is deemed	#76-1435;
Stiffeners	#77-2922(RC);

DE MINIMIS VIOLATION (Cont.)	
Temporary hole in floor as	#299;
Toilets	#3701(RC);
Violation not shown to affect safety	#503;80-1866;
DEMONSTRATION	
Establishes violation	#3990;
DEPOSITION	
Need not name persons to be deposed	#77-4100;
DIRECTED VERDICT	#1806;
DISCOVERY, DEPOSITIONS AND INTERROGATORIES (Also see INSPECTION)	
Ancillary matters	#76-2005(RC);
Compliance Officer's notes	#11007(RC);76-2552(RC);
Discretion of ALJ	#12212(RC);13490(RC);13732(RC); 79-570(RC);
But abuse can lead to reversal	#11865(RC);13490(RC);79-2225(RC);
Enter R's plant to secure information	
After initial inspection	#4385(RC);11865(RC);76-2005(RC); 77-2512(RC);77-3854(RC); 78-1811(RC);
Even if info. prev. available	#4385(RC);
Non federal employee where trade secrets are	
Adequate protective order protects R	#76-1468(RC);77-648(RC)
Only by other government agent	#4385(RC);
To check noise	#11865(RC);77-2512;

DISCOVERY, DEPOSITIONS AND INTERROGATORIES (Cont.)

Entry for reinspection	#77-2512(RC);78-1811(RC); 81-2102;
Failure of R to cooperate	#803;1324;1343(RC);1889;4762; 5784(RC);79-2225(RC);
Failure of SOL to cooperate	#79-1059(RC);79-2667(RC);
Governed by Rule 34, FRCP	#4385(RC);78-235(RC);
Informant's name (See INFORMANT)	#78-235(RC);79-512;
Informer's privilege	
Witness generally not	#79-512;
Motion for is timely if before trial formally set	#13068(RC);
Motion	
Disposition reviewed only if ALJ abused disc. and prej. resulted	#11007;12831(RC);
Too late	#13732(RC);78-5911;
Name of one interviewed not discoverable	
Test for	Stephenson;
Noise standards violation	#11865(RC);13490(RC); 81-2102;
Opposing attorney's materials	
Elements necessary to permit	#10833(RC);
Production of documents	#77-2512;79-570(RC);
Protective order	#4385(RC);77-648(RC);
Reentry generally permissible	#78-145(RC);

DISCOVERY, DEPOSITIONS AND INTERROGATORIES (Cont.)	
Citation not specific	#1645;1763;
Relevant to material issue	#76-171(RC);
Ruling re only an abuse of discretion Reversed	#78-145(RC);
Sanctions for failure to answer interrogatories	#5784(RC);
Scope	#11865(RC);
Trade secret where nonfederal expert involved	#4385(RC);76-2005(RC);
Trial may be delayed 3-6 weeks to permit	#13068(RC);
Within discretion of Judge	#78-145(RC); 81-2102;
Work product	#12817(RC);13401(RC);79-570(RC);
DISCRIMINATION	
Different penalties not	#1761;
Inspect one employer & not another	#14516(RC);
Lack of uniformity as	#1833;
DISMISSAL (See MOTION, Dismissal)	
DUE PROCESS	
Act does not deprive	#22;
Adequate warning	#80-1841;
Adm. procedures comport with	#471;1262;

DUE PROCESS (Cont.)	
APA hearing satisfies	Beall;
Civil discussed	#3905;
Does not require math. precision in drafting regs.	Diebold;
NOC satisfies	Clarkson;
Sufficient warning to conform to avoid what is forbidden	#76-1053(RC);Rose v. Locke, 96 S.Ct.243;Diebold;
What is	#15855(RC)(note 11);
DUST	#1600;1919;2142;
DUTIES	
Of employer	
Discussion of	#85(RC);
May not be delegated to employee	#237;

EAR PROTECTION	
Furnished but not used	#158;
ECONOMIC FEASIBILITY (See BURDEN OF PROOF and FEASIBLE ENG. & ADM. CONTROLS)	
EFFECTIVE DATE	
Construction standards	#306;657;827;1127; 1307(RC);2081;
EFFECTIVE SAFETY PROGRAM	
Elements of	#13244(RC);
ELECTRICAL INSTALLATION	
"on job site"	
Overhead wires not	#406;
EMPLOYEE	
Actions affecting liability	#258;298;
Alcohol affecting actions of	#78-866;
Assumption that individual is	#259;1333;1531;
Burden of showing R's on government	#1333;
Cannot be charged with violation	#12099(RC);13332(RC);
Casual	#76-596(RC);
Cease and desist	#624;
Charged with violation (See Joinder, this heading)	
Company officer as	#17;440;1424;1960;4012; 8823;78-5818;
Complaint	#80-6960;
Anonymous discussed	#77-3773;

EMPLOYEE (Cont.)

Complaint (Cont.)	
Failure to inform R of	#2128;
Not jurisdictionally fatal	#130(RC);
Former	#78-5264(RC);
Furnish to employer	#2123(RC);
Based on imminent danger phone call	#78-1353;
Compliance by - responsibility is in part his	#82;419;979;
Contra	#9295(RC);
Construction defined	#2097(RC);
Contacted by CO during inspection	
Non-disclosure of name	#5873(RC);
Co-owner as	#1424;1960;4012;
Crane operator hired out	#103;890;15299;
Death effect of	#79-3394;
Definition of	#103;146;147;782(RC);1445(RC); 9342;13331(RC);79-5507;79-6071 (Dis);
Deliberate violation to hurt employer	#2651;
Disobeying instructions resulting in injury	#141(RC);258;259(RC); 624;979;
Error by	
Did employer know he violated standard	#4635;

EMPLOYEE (Cont.)

Evidence does not show they worked for R	#690;
Experienced	
Employer has less resp. for	#3458;
Contra	#80-1256;81-529;
Exposure (See VIOLATION, EXPOSURE)	
Foreman's violative acts att. to R	#410;916;3826;77-3772(RC);
Hired for specific task (welder)	#76-1408(RC);
Hired from hiring hall	#3821(RC);
R may assume qualified to do what Union says can do	#76-3569;
Hired out to another	#970(RC);5510(RC);
Inadequate training of	
Imputes knowledge to R	#76-31;
Identification of	
By reps. of R and union	
Admission of into record	#1955;
Independent contractor	
Distinguished	#78-1618;
Is	#12661;
Contra	#3542;
Who is employer of	#14801;76-1408(RC);
Inexperienced	#22;184(RC);419;1186;16235(RC);
Intructions to	
Repeated or isolated	#22(RC);141;

EMPLOYEE (Cont.)

Investor working in business	#9342;
Joinder of	
May not be forced	#12099(RC);
Joint employer	#1626;1627;
Loaned to other R who is in viol.	#970;1889;5510;14306(RC);
Maintenance man as	#1716;
Medical records accessible to	#80-7116;
Member of family is	#76-2669;
Migrant labor paid on piece basis is	#14303(RC);
Misconduct of (See 90 Harv. Law Rev. 1041 and DEFENSES)	
Defense to, must show adequate safety program	#11028(RC);80-4560;80-6344;
Does not excuse employer	#22;
Violation only if demon. feasible measures exist to reduce and not taken	#76-2551(RC);ITO Corp.;
Violation if R knows of it	#76-4475;
Negligence of does not excuse R	#83;832;
Contra implied [cf. 979]	#9;271;5157;77-0983;Myers;
Negligence of eliminates serious	#271;
None on premises	
No Sec. 5(a)(1)	#1008;1881;

EMPLOYEE (Cont.)

Not at duty station	#8123;
Number of as indicator of size	#93;
Number of exposed determine gravity (See Gravity)	
One who works for commission or share	#78-1848;
Order to obey standards	#4897(RC);
Partner not	#14;BLS Bulletin
Working partner is	#4005;
Party status of	#2547(RC);10340(RC);
Not elected	
Entitled to notice	#78-2485;
Not indispensable	#12284(RC);
Participation in settlement	#76-1056;78-1381;78-2485
Proof of	#146;147;2287;2507;
Proved to be R's by nature of work	#76-3103(RC);
Reckless by does not establish knowledge of R	Cotter;
Representative (See Employee Rep)	
Entitled to meaningful participation	#76-2293(RC);
Notice of stip. withdrawal not necessary if not party to proc.	#1916;
Who is	#890;2128;

EMPLOYEE (Cont.)
  Responsibility of employer cannot be shifted to #9295(RC);
  Sterilization of #79-5762(RC);
  Stevedore on day-by-day hire is #3821;
  Strike effect of #79-3624;
  Sub's charged to general #77-3966;
  Sub's on general's payroll #782;
  Supt. violates est. safety rule #3551(RC);
  Tools of #1539;
  Transportation
    At jobsite, means of #85(RC);1539;
    Furnished by employer is workplace #7673(RC);
  Unexpected action by #22;
  Violation of rules #3069(RC);3551(RC);
    Penalty vacated #594;
  Volunteer as #6688;
  Who is #103;733;2507;4808;9342;12661;16246;

EMPLOYEE REPRESENTATIVE
  Defined #2979;78-446(RC);
  Entitled to meaningful participation #76-2293(RC);78-127(RC);

EMPLOYEE REPRESENTATIVE (Cont.)

May not enforce or take over prosecution	#10340(RC);
May only contest abatement date in settlement	#3449(RC);77-4109;
May present evidence even though parties have stipulated	#76-4056;
May present evidence re alleged viol.	#6661(RC);
May raise issue of penalty	#722(RC);
NOC only to period of abatement	International Union;
Right to hearing	#722(RC);
Who is	#2128(RC);

EMPLOYER

Absolute duty to eliminate preventable hazardous general duty practices	#76-658;
Actual is liable even though his status is hidden	#76-3302;
Agent at site Senior employee as	#681;1296;1405;2007; #9739(RC);
Borrowed servant	#16180(RC);
Broker, labor	#3816;76-980;Dayton;
Business closed	#79-6649;
Cannot contract responsibility away	#9090;80-3708;

EMPLOYER (Cont.)

Compliance with standard Not if it will diminish safety	#703(RC);
Construction management firm as	#621;849;850;851;1038;1423;2081; 6418(RC);14620(RC):14858;
On a state project	#1165(RC):
Construction supervising company as	#6418(RC);14620(RC);
Control of worksite not determinative	#7390(RC);
Control of employees shared	#76-4899(RC);
Defined(See 29 CFR 1975.4)	Sec 3;Law;#103;118;154;237;258; 621;773;849;1889;1953;2665;2684; 3816;6688(RC);9122;76-4988(RC); 77-2720;77-4234(RC);78-1618; 79-6071;80-3473;Life Science;
By RC only	Gilles & Cotting;
Common law def. not applicable	#14801(RC);76-4899(RC);Clarkson;
Economic realities test used	#14801(RC);Gilles & Cotting;
Single entity	#77-3909(RC);
Determined by purpose of Act	Frohlick;
Doctrine respondeat superior not applicable	#82;
Economic realities factor in determining who is	#14801;Gilles & Cotting;
Employee leased to other employer	#3433(RC);3444(RC);9122;
Controlled by employer	#158;226;258;544;797;1205;1284; 1445(RC-Dis);76-4988(RC);

EMPLOYER (Cont.)	
Employee relationship	
Contractual	#146;147;621(RC);2719;
Factors which establish	#504(RC);773(RC);890;1445(RC); 2507;2719;3816;81-27;
Must exist	#621(RC);
Facts determining who is	#1362(RC);14801(RC);76-4406; 76-4899(RC);76-4988(RC); 77-1755;77-2720;
Farm workers	#14801(RC)78-1103(RC);
Final responsibility	#258;
But not for subs. acts	Southeast;
If controls site	Underhill;
Foreman's acts imputed to under certain circumstances	#16223(RC);
Foreman represents	#3551(RC);5421;79-0864;
General contractor	
Not resp. for sub's employee	#4179;80-6325; 81-954S; Gilles & Cotting;Southern Contrs.;
Reversed	#765(RC);3694(RC);4409(RC); 8468(RC);12775(RC);13029(RC); 78-5327;
Liable if it could have prevented or abated	Knutson;
Required to test sub's equipment	Knutson;
Incorporation not determinative of status	#78-47(RC);

EMPLOYER (Cont.)

Independent entity	#77-3909(RC);
Interlocking corporation	#80-4859;
Joint as to deceased of one	#237(RC);
Joint employee	#1626;3816;
Joint venture	#69(RC);Bloomfield;
One employer's foremen supervises other's men	#13972;
Knowledge of violation	
Employee complaints	#79-4858;
Imputed by presence of foremen	#14;83;85;124;259;298;301;419;777;1296;1345;1405;1858;1930(RC);2011;2283;4448;10478;80-3896;80-7081;
Even where he violated co. rule	#5811(RC);13266(RC);
Contra	#2548;3551;5811;16223(RC);Horne;
Leadman	#13315(RC);
Lack of absolves	#89;181;237(RC);258;259;355;419;1284;1858;2081; 80-6924;
Distinguished	#85(RC);237;1423;
Liability	
Elements of	Knutson;
Serious v. nonserious	#355(RC);2692;Horne;Alsea;
Leased crane and operator and standard is violated	#890;990;1362;1889;2578;2719(RC);3433(RC);3444(RC);16180(RC);Frohlick;
Lessor responsible	#3433(RC);

EMPLOYER (Cont.)

Liability for previous owner	#337;
Liability of not absolute	#77-2117(RC);79-6090;REA;Getty;
Loaned employee	#7390(RC);
May not delegate his duties to employee	#237;725;832;
Medical records	#80-7116;
Meets responsibility to employees no viol.	#3458;
Migrant labor crew	#14801(RC);78-1103(RC);
Multiple on same site (See MULTIPLE EMPLOYERS and SUBCONTRACTOR)	
Conditions governing liability	#12892;13122(RC);16256(RC); Bratton;
Exposure not determined by CO	#3772;
Must abate and prevent hazards under its control	#76-1408(RC);78-846;79-2899;
Obligated to employees of others on his site	#76-1408(RC);
Rule re not restricted to construction industry	#76-1408(RC);79-5496;
Steps for sub to take if doesn't control hazard	#16147(RC);16256(RC);78-3031; 80-3462;
Who to cite	#14822(RC);

EMPLOYER (Cont.)

Must ask for employee complaint if wants to claim lack of due process	#2128;
Must use guard so as to not create hazard	#3282;
Not an insuror	#43;82;89;184;258(RC);259;355;564;981;1409;1888;2576;3551(RC);3942;4307;76-5007(RC); 77-2115(RC);79-6090;80-385;Alsea;Ocean II;
Not required to protect against "willfully reckless"	#79-5933;
Not required to supervise one on one	#82;89;419;
Where employee working at another worksite	#237(RC);
Not required to protect against willful neglect	#5157;
Not responsible for acts of independent contractor (too broad)	#6566;
Not to sub's employee on his payroll	#782;
Numerous on job and CO doesn't determine who's exposed to alleged violation	#3772;
Obligation of	#419;
Downstream employees re labeling	Am.Pet.Inst.
Elements to make liable for sub.	#810;1375;1971;2507;
Greater to inexperienced employee	#85;184(RC);1186;
Guard against carelessness and laxity	#90;258;
Less to exp. and qual. technician	#89(RC);329(RC);
Contra	#515(RC);

EMPLOYER (Cont.)	
Obligation of (Cont.)	
Should have foreseen need to assist crane operator	#406;
To employees for someone else's violation	#637;690;1636;1858;1886;1888; 1973;2011;Anning;Clarkson;
New policy in	#3694(RC);4409(RC);5139(RC); 8468(RC);9627(RC);11259(RC); 12255(RC);12775(RC);13122(RC); 14683(RC);76-2902(RC);76-5203(RC); 79-221;79-864;79-2519;79-4080(RC) 79-5785;79-7060;80-898;80-2985; 80-3241;80-4029(RC);80-4822;
Limited to const. sites	#3901(RC);13843(RC);Beatty;
To employees of another R	#949;1858;3901(RC);79-3951;80-923; Underhill;Am.Pet.Inst.
Under Sec. 5(a)(1) and standards	#258;827;
One employee constitutes	#773;76-4026(RC);
Permitted violation	
Actions negating charge	#207;
Defined	#3025;
Need not show to est. serious	#85;
Prime Contractor (See General, this heading)	
Reliance on clear language of stat.	#211(RC);
Reliance on experienced employee	#3069;79-2328;
Representative	
Who is	#681;2007;
Union contract cannot change status of in fact foreman	#12632(RC);

EMPLOYER (Cont.)

Responsibility

Act of supervisor	#2266;
Cannot be shifted away	#688;725;890;922;1362(RC);1615;1953(RC);1971;2856;76-2748(RC);78-1384(RC);79-2519;79-3032;79-6674;80-923;81-226;Georgia RR;
Common law defense no excuse	REA;
Common law v. statute	#82;85(RC);154;
Employee	
Exposure to others hazard	#1515;Anning;
Refusal	
To wear hard hat	Atlantic & Gulf;
To wear safety belt	#1184(RC);
Employees tools	#1539;
Equal to exposure	#7414;
For experienced employees	#76-1803(RC);
For loaned employee	#5510(RC);
For other employees	#15538(RC);80-4711;Am.Pet.Inst.;
For own employees	#184;224(RC);425;504;637;674;688;949(RC);1636;1722(RC);1858;1886;1991;1995;2081;2266;3271;77-3772(RC);80-4822;
Exception, construction subcontractor	#12755(RC);
In areas where not expected to work	#295;1382;

EMPLOYER (Cont.)	
Responsibility (Cont.)	
For own employees (Cont.)	
On site he does not control	#1345;2039;13122(RC);13980(RC); 76-1803(RC);76-4988(RC);
Supervisor's acts	#515;981;3551(RC);Horne;
Using someone else's equipment	#922;1886;3643;80-7081;Clarkson;
Only liable for hazards discoverable by reasonable diligence	#258;3643;79-3374;
Violation due to other employer not factor	#224;1037;1722;3552;4140;4760; 5139(RC);14858;80-3896;Anning;
Unless knowledge of it requires expertise	#76-4073;
Where sub's employee injured	#119;146;237;773;4239;
Where there was access and he took no alt. measures	#76-853;77-3652;79-3489;79-5270; 80-3462;
Working at other employer's site	#237(RC);637;1953;1971;1991;
For safety	#77-2762;80-6737;
For scaffolding erected and maintained by general	#76-2411;
For serious violation if subcontractor	#11232;
For statement of its supervisors	#5582;
For unsafe equip. used by employees	#13071(RC);79-1921;
For viol. of ind. cont. while on premises	#76-2458;

EMPLOYER (Cont.)
Responsibility (Cont.)

For violations of subs.	#12775(RC);76-2326(RC);78-5492;
Generally	#5985;
Guard against human fraility	#76-3010
If met no violation	#3458;
Instruction insufficient to free workplace of hazard	#13535(RC);
Multi-contractor site	#3694(RC);4409(RC);8468(RC); 12775(RC);16184(RC);76-5203(RC); 77-3772(RC);78-5623;79-538; 79-3368;79-4982;79-5642;80-2232;
Applied to any employer	#76-1408(RC);77-3050;79-2940;
For subs	#76-1512(RC);76-4754(RC);
Periodically examine and test electrical equipment	#44;258;302;
Prime and subcontractor both liable	#567;588;610;1128;1995;
Prime not responsible for subcontractors	#413;504(RC);597(RC);773;3262; 4239;
Sale of business	#3066;
See that viols. don't exist	#76-3337;80-3708;
To experienced employee is less	#3458;
Contra	#16062(RC);
To insure policies carried out	#258;302;410;515;
To not create hazards	#8468(RC);

EMPLOYER (Cont.)
  Responsibility (Cont.)
    Ultimately responsible #2286;

    Unexpected action by employees #22;1221;1858;2576;

    Where he relies on testing by other contractor #1636;1888;

  Safe workplace provided #981;80-385;

  Safety supervisor as #76-4406;

  Several but single violation #17;
    Which to cite COM(vii-7);#413;

  Size of job factor in determining efforts to comply #4453;

  Small
    If gross $500,000 or less #442(RC);

  Subchapter "S" officers as #9810;

  Subcontractor (See)

  Supervision by #1815;
    Must be reasonable #2842;

    Obligation of #154;

  Supervisor
    Acts bind #124;515;1670;

    Duties and responsibilities determine #11499;

  Using another's employee on regular basis #2719(RC);

EMPLOYER (Cont.)

Violations by foreman	#3069(RC);
Warning of danger	
Discussion on	#130;773;
Not enough	#80-6344;
Without adequate help not enough	#416;
Without proper supervision	#777;
Who is	#773;6308;14910(RC);Clarkson;
Company overseeing bldg. const.	#13013;
CO's testimony	#77-4487;
Determined by facts in each case	#9810;15393;
Determined by intent of Act	Gilles & Cotting;
General not of sub's employees	#504(RC);
Leased equipment (See, this title)	
Legal question	Gilles & Cotting;
Loaned equip. (See, EQUIPMENT)	
Lumber co. hiring loggers from cutter	#77-1646;
Only one employee	#76-4026(RC);
R retained control and designated foreman over others	#7390(RC);
R rel. control to general's foreman	#15393;

EMPLOYER (Cont.)	
Who is (Cont.)	
Union hiring hall not	#3821(RC);Clarkson;
Yacht club with member employee	#76-4026(RC);
ENGINEERING AND ADM. CONTROLS	
SOL must est. feasible exist	#4474;
ENGINEERING CONTROLS (See FEASIBLE ENG. & ADM CONTROLS and BURDEN OF PROOF)	
ENTRAPMENT	
Demonstration as	#1960;5572;
ENVIRONMENT	
Testing	
Required even though area does not test at prohibited level unless evidence indicates extreme unlikelihood of such levels	#8902(RC):GAF;
EQUIPMENT	
In shop for repair not a violation	#2983;
Loaned	#3444(RC);
Not owned by R but used by his employees	#922;1036;Frohlick;
Owner, lessor	#1362;1373;
Not resp. for hired out employee's safety	#3660;
Violates standard but not on job to be used in violative manner	#497;1151;
ESTABLISHED FEDERAL STANDARD	Sec. 3(10),Law;
What is	#1130;
ESTABLISHMENT	
Const. site as	#14523(RC);76-2401; 77-1999;

ESTABLISHMENT (Cont.)	
Defined	#612;
ESTOPPEL	
Prior inspection as creating	#77-1116;
SOL obligated to speak	#11864(RC);
EVIDENCE (See PROOF)	
Accident report adm. to est. hazard	#12831(RC);
Admissibility	#1942;
Admission	
By company official not hearsay	#195;
Not conclusively established	#80-4099;
Sole proof of violation	#79-4335;
Adm. by rep. of R or Union re id. of employee	#1955;
Affidavit	
When admitted	#78-2346;
Air sample unrepresentative	#76-3431;
Best evidence rule	#76-4429;76-5049;
Business records include R's photographs	#10833(RC);
Circumstantial	#2082(RC);2536;
Clear and convincing for nonserious viol.	#425(RC);
Compliance officer's worksheets	
Admissable after employees names deleted	#2630;5873(RC);
When produced	#76-484(RC);

EVIDENCE (Cont.)

Conform pleading to	
Both parties must consent	#3502;
Credibility determination essentially unreviewable	#9994(RC);Olin;
Criminal acts effect on	#80-2474;
Deep trench as hazard not necessary	#1578;
Estimation of	
Accepted if unrefuted	#5873(RC);14536(RC);
Air contamination	#78-2006;
Basis for violation	#1127;
Dimensions supported by photographs	#78-4133;
Distances	#1165;
Height after actual measurement of part doesn't est.	#15420;
Speed	#9684;
Time exposed to noise not accepted	#268(RC);
Evenly balanced	
R prevails	#2888;4679;4705;
Exclusion of where insp. violated warrant req.	Savini;
Rule prospective and RC should develop evid.	Savini;
Exhibit	
Failure to object invokes waiver doctrine	#78-4674;

EVIDENCE (Cont.)

Expert opinion (See EXPERT OPINION))	
Exposure must be established	#2081(RC);
Failure to present material witness Hearsay of his testimony viewed with caution	#1409;
Failure to produce records est. failure to keep	#77-4009;
Federal Rules of RC has followed	#76-2552;79-2256;
Financial report of holding company not admissible	#78-4894;
Hearsay	
Accepted	
If R accepts	#59(RC);
If R's agent makes	#6007(RC);12139(RC);
When reliable or probative	#5110;76-1309;
Admission of	#4678(RC);5572;14907(RC);76-5197; 77-3668(RC);79-1552(RC);
To show conversation but not truth	#5622;
Adopted by R	#59(RC);
Compelling	Calif. Rotogravure;
Contradicted not accepted	#76-3028;
Corroborated	#1889;1231(RC);79-3295;
Not, no basis for decision	#668(RC);76-3340;

EVIDENCE (Cont.)

Hearsay (Cont.)

Does not establish violation	#513(RC);668(RC);937;2384;2896; 3223;
Discussed	#8293;77-4487(RC);
Exposure based on	#2311(RC);
Judge may reject	#2896(RC);
Learned treatise exception	#2311(RC);
Literature by expert	#2311(RC);
Literature by lay person	#77-1622;78-3126;
May support with other data	#59(RC);3271;
Must support	#2311(RC);5572;6053;
Not admitted	#2384;
Especially when refuted	#7092;
Not proper basis	#513;937;3223;
Probative value increased by corroboration	#11175(RC);
Rejected by RC must be sufficiently compelling for court to reverse RC	Calif. Rotogravure;
Should be admitted	#14907(RC);79-1552(RC);
Uncorroborated	#79-4424;80-473;81-27;
Refuted	#531;3518(RC);

EVIDENCE (Cont.)	
Hearsay (Cont.)	
Uncorroborated	
Supporting violation	#78-3031;
Unrefuted	#3518(RC);12652(RC);77-4487(RC); 81-407;
When to exclude	#7869(RC);
Incorp. prior transcript	#15114;
Illegally obtained not automatically excluded	Accu-Namics, Inc.;
Improper exclusion of	#49(RC);
Industry recognition of hazard	#76-5255;
Inference re nature of glasses	#76-2326(RC);
Judicial admission	#11340(RC);
Label to est. contents of can	#13832(RC);
Lab. report	
Compiler must support	#2313;
More than conjecture	#1008;
Movie film on safety as	#874;
Need not be presented if sole issue is legal	#855(Motion dec.);
Notes of witness	#78-4674;
Newly discovered after hearing	#1130;1746;1955;
Offered after trial	#77-226;

EVIDENCE (Cont.)

Offer of proof	
Must be permitted	#4533(RC);
Rejected	#76-2468;
Official notice (See OFFICIAL NOTICE)	
Opinion	
Based on photographs	#5288(RC);
CO's should be admitted	#9809(RC);
Expert whether facts est. recog. hazard	#12879(RC);
Layman's	#9809(RC);76-20(RC);77-1133(RC);
On scientific matter	#2477;
Uncontradicted but not conclusive	#81-2102
OSHA action in other cases not germane	#1305;
OSHA Magazine	
To support SOL	#77-1622;
To support R	#78-3126;
Penalty worksheet not enough to satisfy requirements for proof of penalty	#456(RC);
Performance standard	
SOL must establish acceptable standard	#7792(RC);
Photocopy	
Admission of	#78-4725(RC);
Photographs	
Absence of fatal	#80-7048;
Accepted where testimony not clear	#76-2326(RC);

EVIDENCE (Cont.)

Photographs (Cont.)	
Illegally taken by family w/o SOL knowledge are admissible	#78-2090;
Telephoto from off-site	#76-3241(RC);
Post accident precautions	
Admitted to establish means of avoiding hazard	#4533(RC);
Post trial submission of	#10888(RC);78-1353;
Not accepted	#15242(RC);
Prehearing admissions	
Admission of	#130;
Preponderance required	#426(RC);452(RC);456;1815;1924; 2630;77-3666;78-6247(RC);79-4615; 79-6614;Nat. Realty;Olin;Irwin;
Test for	#80-5714
Presented by R	
Beyond citation but within standard	#2133;
Pro se's argument not	#2843;
Proof of mailing	#6088;
Received re area not cited	
In issue by implied consent	#8969;
Record of prior proceeding	#3367;
Records	
Failure to produce est. failure to keep	#77-4009;
Relevant	
Discussed	#2490(RC);

EVIDENCE (Cont.)

Repealed state statute	#79-3222;
Repeat violation Not based on CO's recollection	#78-3568;
Report by authors whose reliab. was not established Not covered by FR of Evid. 703 but admissible	#14907(RC);
RC cannot add facts to support record	#456(RC);
Secured from street prior to inspection	#15919(RC);
SOL failure to produce records it subpoenas	#13380(RC);
SOL failure to produce evidence re "Affecting commerce"	#76-631;
SOL's remarks to media re valid. of std.	#79-1552(RC);
Speculation	#5093;79-6918(RC);
Standard Official notice of ANSI incorp. by reference	#14886(RC);
Statements prepared by CO for witness Availability to R after CO testifies	#6794;
Statements by R's agent	#6007(RC);
Stipulating record in transcript of another case	#6565(RC);

EVIDENCE (Cont.)

Subjective & speculative	#77-3422;78-2939;78-3054;
Substantial	
CO's conjecture not	#383
Defined	#3223;Empire;West Point; Allis Chalmers;
Hearsay not	#77-1753
Rationality not equivalent to	Am.Pet.Inst.
RC follows preponderance	#425;
What is	#14;326;425;836;1367;Beall
Supports findings of serious violation even tho not charged as such	#690;
Technical publications	
Official notice of	#3528;
Testimony in prior case may be incorporated into record	#14122;
That violation due to gross negligence of employee does not sustain burden	#9;
Variances admitted	#77-617(RC);
Weight of testimony supported by photographs	#3826;79-4264;79-6128;
Worknotes	#78-4674;
R requests and G refused to produce	#1343(RC);
Worksheet adm. as regular business record	#76-2552;

EVIDENCE (Cont.)	
Work product privilege	#12817(RC);
EXCAVATION (See Trench)	
EXCULPATORY LANGUAGE (See SETTLEMENT)	#10798(RC);78-867;78-1155;78-1214; 78-1399(RC);78-1409;78-4449(RC);
Employee objection	#6283;
Type not permitted	#111;130;756(RC);1566;80-2793(RC);
Type permitted	#798(RC);1647;1942;2088;2194;3298; 77-3764(RC);78-1708;78-2081;79-929 (RC);79-2261(RC);79-5772-P(RC);
EXEMPTION	#454(RC);723(RC);827;1070(RC); 1306;1307;1588(RC);1863;13649(RC);
Burden of proving on R	#8285(RC);14291(RC);14536(RC); 76-4905(RC);
Contract with city to manage const.	#12651;
Political subdivision	#77-1290(RC);
R not instrumentality of state	#1165(RC);
EXHAUSTION OF REMEDIES	Fieldcrest;
EXHIBITS	
Admission of notes	#2346;
Laboratory sample	
Chain of custody not practical to est.	#8303;
Not returned after borrowed by profferer	#2651;
Photographs	
Admission of when taken prior to presenting credentials	#9303;

EX PARTE PROCEEDINGS	
Not held by RC	#869;
EXPEDITED PROCEEDING BEFORE RC	#1942;2815;
EXPERT OPINION	
Admission of	#2896;
As substantial evidence of viol.	#9;
Attorney work product	#12817(RC);
Based on other than 1st hand knowledge acceptable	#1551;
However must be able to particularize	#78-5321;
Does not est. 5(a)(1) violation	#13(RC);74(RC);1264;
Must be clear and convincing to substitute for testing	#2288;
Must be in area of expertise	#49;
Must have basis in fact and not solely opinion	#76-357;
Need not be accepted	#13964(RC);15037(RC);80-4844;
Even if uncontradicted	#76-93(RC);
Noise attenuation	#15362;
Non federal employee	
Trade secrets do not prevent entry on land where adeq. prot. order issued	#15965(RC);77-648(RC);
Notes by admitted	#78-4674;
Other safety regulations as	#19;

EXPERT OPINION (Cont.)	
Re soil not needed	#2843;79-914;
Testimony re abatement w/o seeing scene of viol.	#77-3856;
Unrefuted	#79-7185;
EXPERT WITNESS (See WITNESS)	
EXPOSURE TO HAZARD (See VIOLATION)	
Absence of precludes penalty	#4815;
Accessibility	Gilles & Cotting;
Determines	#3028(RC);3701(RC);12525(RC);16180(RC);76-1567(RC);76-2617(RC);76-4774(RC);76-4940(RC);76-5203(RC);77-2387;77-3652;79-4090;79-7165;80-1049;80-4029;80-5547;
Enough	#504(RC);1955(RC);3108(RC);9896;14886(RC);76-982(RC);77-3050;78-2965;80-1268;
Reasonable	#4145(RC);
SOL must prove	#13925(RC);79-4300;
Actual or access to hazard not required	#504(RC);3042(RC);14886(RC);Underhill;
Air contaminants	
One excessive reading enough	#77-2235;
As used in standard too general	#5320;
Based on definition of RC	Gilles & Cotting;
Brevity of doesn't negate violation	#76-88(RC);80-2571;

EXPOSURE TO HAZARD (Cont.)	
Burden on SOL	#12708;
Cannot be charged while correcting viol.	#76-3337;79-3368;
Cannot be charged while raising scaffold	#76-5134;77-3646;
Circumstantial evidence may establish	#224(RC);13746(RC);76-4146(RC);
Defective equipment available for use	#13463(RC);76-982;
Duration of a factor in gravity only	#76-88(RC);79-6493;
Employee in vicinity but not exposed does not establish violation	#8726;
Employer of other employees	#76-2617(RC);
Employee must be to est. 5(a)(1) viol.	#77-313(RC);
Employee must work in the area	#1165;
Employee only need access to hazard	#4145(RC);
Employee (sub) must contact responsible employer when sub's employees exposed	#78-3676;
Established if employees would have been exposed	#224(RC);
Evidence must establish	#247;504;949;3553;12708; 76-3488(RC);
Not established	#8221(RC);79-2548;80-5556;
Fall	
10' from floor edge	#78-3415;

EXPOSURE TO HAZARD (Cont.)

Fire extinguisher	
Defective on site establishes	#76-1087(RC);
Hearsay of mgmt. rep. to establish	#12311(RC);
Infrequent use does not determine	#2437(RC);
Potential may be inferred	#621(RC);79-1588;
May be inferred	#6976;14683(RC);
Even without measurement of prox. to hazard	#76-1108(RC);
May not be inferred	#9881;
Must be established by evidence	#967(RC);2081(RC);4870;12757(RC);
Necessary to get job done	#1207;1225;2081(RC);2693;
Need not be pleaded	#15598;
Not based on CO hearsay	#9597;
Number of employees	
Goes to gravity and not seriousness	#2270(RC);
Reacting to CO's request on walkaround	#78-5997;
Reasonable predictability of	#1231(RC);1758(RC);8096(RC); 11771(RC);12982(RC);79-2531; 80-1552;
Required to establish hazard	#78-3676;
Sampling accepted to establish	#6352(RC);14702(RC);

EXPOSURE TO HAZARD (Cont.)	
SOL must establish where R did not control site	#8221(RC);12651;78-1600;
Union steward testified re other employers workers	#6418;
Unknown to employer	#6566;
Walkaround rep. while accompanying CO	#13832(Note 7)(RC);78-5997;
What is	#250;412;419;1858;
5-7' from edge of floor	#4034;
While erecting guardrail no violation	#7420;80-6074;
While erecting safeguard	
Protect against needless exposure	#76-1538;Pike;
EXTENSION OF TIME	
Amended citation does	#1075;
To answer	
No authority	#721;
EXTINGUISHERS	
Inspection of	
Reasonable requirement	#123;

FAILURE TO ABATE

Affirmative defense to Not in violation when originally cited	#2200(RC);7860; 12298(RC);16355;(but see Harrison Lumber)
Bankrupt respondent	#79-856;
Burden of proof Orig. cit. not viol., on R	#76-4043;
Continuing initial violation required	#509;77-1610;
Defense of (See Includes, this heading)	#9480(RC);13916(RC); Harrison Lumber;
Distinguish repeat violations	#306(RC);520;557;764; 791;914;1306;1576;1698; 2117;2236;2255;2343; 3092;3556;9480(RC);
Each day and not working day	#2687;
Economic feasibility in	#76-2958;
Effect on penalty	#348;557;587;640;791; 1078;2255;
Elements of	#9480(RC);
Equipment ordered but not available	#10104;
Estoppel, collateral	#587;
Excused due to bad weather	#2343;
Exposure ceased is defense	#587(RC);

FAILURE TO ABATE (Cont.)	
Extenuating circumstances	#4979(RC);
Good faith in penalty comp.	#5594;
Identical violation must be established	#12298(RC);13417;
Includes issue of whether there was a viol.	#245(RC);587(RC);900(RC);1539; 2408;
Contra	Harrison Lumber
May Judge amend cit. which became final	#14057;
Notice of right to contest required	#15761;77-2064;
Penalty (See)	
Premature	#306(RC);1599(RC);
After NOC to orig. cit. filed	#15051(RC);76-2132;
R misunderstood citation	#520(RC);
Secretary does not have to show exposure	#587(RC);
Where initial violation not contested	#245;603(RC);900(RC);
While R untimely contests	#78-4375;
FAILURE TO ANSWER	
Dismissal for	#1376;9350;79-1925;80-5006S;
FAILURE TO CONTEST ITEM	#524(RC);
FAILURE TO PROSECUTE	
Dismissal only for delay or contumacious conduct	#79-2225(RC);

FAILURE TO PROSECUTE (Cont.)	
Settlement negotiations adequate to explain	#78-145(RC);
FAILURE TO SERVE (See Dismissal)	#3443(RC);GE;
FARM WORKERS (See MIGRANT FARM WORKERS)	
FEASIBLE	
Administrative Controls	
Economic factors also considered	#8255(RC);78-145;RMI;
Economically infeasible	#78-5835;
Benefits outweigh cost	#79-3179;RMI;
Burden on SOL to prove	#6891;12203;79-3179;
Technology feasibility	#8255(RC);
Discussed	#3635(RC);12203;13119;13773;
Includes economic considerations	#2038;3973(RC);10609;76-222(RC); 77-3338;78-4947;79-6938; AFL-CIO;Arkansas;Turner;
Dollar amount that is	#76-5287;
Includes tech. & econ. factors	#79-361;RMI;
Noise reduction must be substantial	#6352;
Noise controls infeasible	#78-145;
Plant wide controls	#8165(RC);
FEASIBLE ENG. & ADM. CONTROLS (See BURDEN OF PROOF)	#2038;3635;3905(RC);
Availability burden on SOL	#10609(RC);78-5459;79-3009;
Does not have to be immediate	#10925(RC);

FEASIBLE ENG. & ADM. CONTROLS (Cont.)

Benefits outweighed by costs	#77-926;79-5493;
Cost benefit analysis required	#2038(RC);77-222(RC);77-580; 79-4077;79-6613;
Economic factors in	#3973(RC);6632(RC);7359(RC); 8165(RC);10609;11869(RC); 76-2957;79-1358;79-4077;
Burden on R	#4474;13773;15803;77-580; 77-4297(RC);78-5321(RC);81-65(RC); Am.Pet.Inst.;Burgess;Turner
Must be specific	#77-1221
Must reduce noise to standard level	#13643(RC)
Contra	#3973(RC);13068(RC);RMI;
Not devoid of meaning	
What is	#2038;
Not economical	#10925(RC);
Only if significant reduction in noise achieved	#78-1303;
Personal protection equip. feasible	#77-2545;79-4077;
SOL must est. by more than speculation	#7368;79-1723;80-385;
Existence and not feasibility	#78-5321;
Feasible exist	#4474;
Merely showing controls exist does not satisfy	#6632(RC);
What they are	#3827;7737(RC);
Tech. feasibility must be based on R's part. operation	#78-5321;

FEDERAL REGISTER	
Incorporating by reference	#76-4719(RC);80-3295;
Misprint in	#16059(RC);
FEDERAL RULES OF CIVIL PROCEDURE	
Rule 4	
Citation not equivalent to service of process	#4822(RC);77-4487(RC);
Rule 4(a)(2)	#79-2380(RC);
Rule 4(d)(3)	#1342(RC);78-4725(RC);
Rule 6(b)	#13659;
Rule 8(c)	#3818; 76-5344(RC);78-918(RC);
Rule 8(e)(2)	#76-2326(RC);
Rule 12(b)	#3661(RC);14448;
Rule 12(c)	#10330(RC);
Rule 12(e)	#76-2049(RC); 76-5162(RC);78-1054(RC);
Rule 15	#111;112;587;1046(RC);1623;11222; 29 CFR 2200.2;
Didn't contemplate our citation with subsequent complaint	#810;
Rule 15(a)(See AMENDMENTS)	#5479(RC);10136(RC);79-1552(RC); Marquette;
Applies since RC has no cont. rule	#14(RC);79-1552(RC);
Rule 15(b)	#867(RC);1036(RC);2739;2885(RC); 3502;3685(RC);4395(RC);4553;4704; 12525(RC);13685(RC);13732(RC); 13874(RC);14761(RC);76-4765(RC); 77-1334(RC);78-2923(RC);78-6247 (RC); 79-928(RC);80-1866;80-3592(RC);

FEDERAL RULES OF CIVIL PROCEDURE (Cont.)

Rule 15(b) (Cont.)

Amendments under	
Absent prejudice freely granted where R afforded opportunity to offer add'l evid.	#9850(RC);13502(RC);
Consent implied if evid. introduced and not objected to	#16235(RC);76-896(RC); 76-2748(RC);79-864;79-4267;
Not permitted	#12686(RC);
Only if tried with consent	#3491(RC);76-2879(RC);
Prejudice absent	
Freely granted where R afforded oppor. to offer add. evid.	#13502(RC);77-632(RC);77-2014(RC);
Tried by consent RC bound to amend	#76-896(RC);
5 factors permitting	#510(RC);
Citation defective but R doesn't object	#2983;3197;
Post-hearing brief	#80-3592(RC);
Proper if issues tried	#4537(RC);
Sua sponte amendment to change standard permitted	#14236(RC);
Rule 15(c)	#10136(RC);79-2899;79-5707; 79-5954(RC);Bloomfield;Southern Colo.
Rule 19	#12099(RC);

FEDERAL RULES OF CIVIL PROCEDURE (Cont.)

Rule 20 & 21	#14822(RC);
Rule 24(a) not applicable	#78-127;
But see dissent in	#77-3050(RC);
Rule 26(b)	#78-235(RC);
Rule 26(b)(3)	#10833(RC);12817(RC);79-570(RC); 79-2225(RC);
Rule 26(b)(4)(B)	#79-570(RC);
Rule 26(C)	#79-2225(RC);
Rule 34	#4385(RC);
Rule 36 Not adopted by RC	#76-909;
Rule 36(b) Amendment to requests for admissions	#7626(RC);
Rule 37	#803;1889;
Rule 37(a)	#79-2255(RC);
Rule 37(b)	#78-1361(RC);
Rule 37(c)	#6120;
Rule 38	Sheehan;
Rule 41(a)(1)	#76-4761(RC);
Rule 41(a)(2)	#920;1160;2579(RC);2939(RC); 3055(RC);76-4761(RC);79-3136(RC);
Rule 41(b)	#587;4533(RC);7554;9850(RC); 11865(RC);76-5307(RC);77-3861(RC); 78-145(RC);79-407;79-2225(RC); 80-999;

FEDERAL RULES OF CIVIL PROCEDURE (Cont.)

Rule 41(B)	
Proper to take under advisement	#5873(RC);
Rule 43(b)	#6015;
Adverse witness to est. jurisdiction	#6015;
Rule 55	#4867;13659;
Rule 56(1)	#4498;
Rule 56(c)	#2873(RC);7855(RC);
Rule 56(e)	#78-5940(RC);
Rule 60	#2309;Otinger;
Rule 60(b)	#77-2040(RC);80-1920(RC); 80-2281;80-3848(RC);80-6988;
RC may reconsider its own final dec.	#6031(RC);
Rule 61	#76-2748(RC);
Rule 301	#7869(RC);
Rule 401	#78-5920(RC);
Rule 408	#12817(RC);
Rule 703	#78-5920(RC);
Pertains to opinion evid. 7 not admission of document	#14907(RC);
Rule 1002	#76-4429;76-5049(RC);78-5046;

FEDERAL RULES OF EVIDENCE

Rule 602	#77-1133(RC);
Rule 701	#77-1133(RC);

FIELD INFORMATION MEMO	
Not binding	#78-144;
Promulgation can't be bypassed by	#80-1841;
FIELD OPERATIONS MANUAL (See COM)	
FINAL ORDER	
Collateral attack	#10798(RC);
Not reviewable	#587;78-25;
What is	Fieldcrest;
When occurs	#2100(RC);
FINDINGS OF FACT	
All must be compatible	#76-1924(RC);
Based on credibility will not be disturbed	#7184(RC);7454(RC);8468(RC); 77-1542;
Conclusive If supported by substantial evidence	Empire;West Point; Southern Colo.;B&B;
Depends on Judge's credibility finding	#456(RC);
Employee presence in area of violation	#12271(RC);
Factual required	#1263(RC);12931(RC);
Give evidentiary basis for CoL	Bethlehem IV;
Jurisdictional must be made even tho not in issue	#13134(RC);
Lack of	#76-431(RC);
Mandatory	#91(RC);3444(RC);5540(RC);14822 (RC);Butler;Goodrich;Bethlehem IV;

FINDINGS OF FACT (Cont.)

Must be explained	#16162(RC);
Must be specific	#11(Dis);124(Dis);76-431(RC);
Must be supported by record	Cape & Vineyard
Must respond to contentions	Atlantic;
Narrative form acceptable	#14617(RC);
Need not be explained if reasons apparent	#8468(RC);
None made re constitutional issues	#801(RC);
Preponderance of evid. must support	#9764(RC);Olin
RC conclusive if supported by substantial evidence	Accu-Namics;Atlantic & Gulf;Getty;
Serious violation	
What is required	#14458;
Should make on all points in issue	#12931(RC);76-1087(RC);U.S.S.:
Specific re knowledge	Vy Lactos;
Support by evid.	#3395(RC);Roth Steel Tube;
Judge's will not be reversed	#3395(RC);7987(RC);12516(RC);
Preponderance required	Olin;
RC will not reweigh evidence	#7184(RC);
Substantial conclusive on review	Beall;Arkansas;Rockwell; CTM;
Trade secrets	
Specific re required	#4385(RC);

FIRE EXIT	
Locked	#497;
FIRE EXTINGUISHER	
Cited for improper and uninspected for same equipment not valid	#503;731;793;1635;
Inspection	#77-207(RC);
Monthly	
Not established by lack of date tag	#434(RC):
Mounting	
Necessity for of empty	#731(RC);
Used for nonfire fighting purpose	#731(RC);
Portable	
All must be charged	#2185;
Water barrel not	#793(RC);
FIRST AID	#627;1364;1541(RC);1671;1687;2568; 6286(RC);79-3304;80-1636;SantaFe;
FLAMMABLE LIQUID	
Must be proved by testing (See Violation)	#836;
FLAT ROOF	
Fall protection - Discussed	#76-4361;78-3224;79-5605;
1926.28(a) & 5(a)(1) not appropriate	#77-1568(See 76-1140(RC));
Guarding policy of RC is by safety belts	#14907(RC);
Included in floor and platform (See Floor)	
FLOOR	
Does not include roof (See Roof Guarding)	#8173(RC);12135(RC);13064(RC); 80-457;Langer;Diamond;

FLOOR (Cont.)	
Opening discussed	#78-2544;
Temporary	#76-181(RC);77-2735;
Discussed	#4291;
What constitutes requiring guardrails	#1126;
FLOOR HOLES	
Escalator opening as	#1584;
G must prove they are type requiring guarding	#239(RC);573;583(RC);2023;
Includes roof openings	#364(RC);1295;
Must be large enough to walk into	#583(RC)(Overruled by 13832(RC)); 1127;
Requires floor	#111;
Wall opening distinguished	#1225;
FOREMAN	
Acts for management	#301;419;1186;78-711;Messina;
Negligent acts of don't necessarily excuse R	Ocean II;
Not if contra to R's insts.	#76-3337;Horne;
Not unforeseen if within scope of work	#5811(RC);
Safety program applies to	#80-1526;
FORKLIFT	
Not land highway vehicle	#1607;
Training required	#80-7140S;

FORMS	
#100 (log of occupational injuries, etc.)	#612;1578;
Info avail. but not on form	#3090;
#102 (Summary occ. injury, etc.)	#612;
#200	#78-3161;
FORMULA	
Precision of for penalty	#4;
FREEDOM OF INFORMATION	#79-2261(RC);
Employee's complaint not subject to	#13;440;
Employee's statement must be made available if he testifies at hearing	#13;
Investigative files not subject to Factual data already released and CO's conclusions sought	Wodzenski v. Moore-McCormack Lines (USDC Md. 5-11-73);
Judge determines privilege	#1343(RC);
OSHA training material	Stokes;

GENERAL CONTRACTOR (See Prime, Violation)	
GENERAL DUTY (See Sec. 5(a)(1))	
Unshored excavation as (See Sec. 5(a)(1))	#19;
Violation (See Sec. 5(a)(1))	
Violation only if duty cap. of achievement	Hanovia Lamp;
GENERAL INDUSTRY STANDARDS	
Telecommunication industry	#4210(RC);
GOOD FAITH	
Abatement	
Efforts to affecting penalty	#4212;
Failure to affecting penalty	#69;
Immediate as	#494(RC):
Based on post-insp. cooperation	#1040(RC);15538(RC);
Before and after violation considered	#1040(RC);
Criticism of Act as reflecting	#833;
Defined	#33;2577;76-3444(RC);Inters. Glass (Note 19);
Determined by all the facts	#1040(RC);
Effect on penalty	#624;
Exercising constitutional right does not effect	#78-3532;

GOOD FAITH (Cont.)
  Extent of
    Look at overall program #401(RC);
  Factors in #4;465(RC);857;1040;
  Failure to abate as factor #69;
  Failure to act after indicating settlement #14541;
  Failure to answer does not establish #551;
  Failure to certify abatement est. lack #467(RC);
  Includes post inspection conduct #1394(RC);
  Lack of not lightly presumed #551;1228;
  Lack of overrides and no ded. allowed #11;33;48(RC);1306;
  Limited reflects on #44;58;1466;
  Number of machines in viol. affecting #3560;
  Number of viols. not fact in #1830;
  Observations during walkaround utilized in #6007(RC);
  Offset by history #557(RC);
  Small employer as factor #4865;
  Substantial weight to #7370(RC);
  Removing employees from site is not good faith #15538(RC);

GOOD FAITH (Cont.)	
Violations at sev. sites does not negate	#503;
What is	#250;881;1306;2311;
What is not	#690;980;1320;
Willful violation negates	#919(RC);1734(RC);
Contra	#77-4471;
GRAIN ELEVATOR OPERATION	
Not agriculture operation (1910.267(b))	#1671;
GRAVITY	
Blocked passageway not low	#503;
Defined	#401;585;
Determined by all the facts	#76-2414(RC);
Elements of	#85;91(RC);124(RC); 465(RC);591;867;919;
That modify	#1369;79-3167;
Employee exposure low	#383(RC);585(RC);1883;79-6493;
Enhanced by number of employees exposed	#43;124;1955(RC);
Other contractors exposed employees don't effect	#688;
Explanation of	#4;401;585;
Failure to abate	
Factor in	#445(RC);
Grave not established by tech. viol.	#805;
Guard violation	#1305;

GRAVITY (Cont.)

Hazard principal factor	#741;
High	#48;91;
Likelihood of accident as factor	#91(RC);123;403(RC); 583;591;801;867(RC); 1833;
Low quality calls for reduced penalty	#85(RC);383(RC);79-1630;
Defined	#583(RC);591(RC);
Electrical grounding reqs. as	#801(RC);
Few employees exposed for brief period	#1127;
Insuff. overhead sprinklers as	#1941;
Not clear from record	#1049;
Insuff. light but not how much	#1615;
Not established	#2311;
One employee for short time	#319(RC);
Only if hazard exists	#1410(RC);
Particular emphasis on	#702(RC);
Principal factor	#4;11;48(RC):83;
Probability of accident a factor	#403;4044;79-1588;
Riding headache ball is low	#4408;
Serious but only one employee exposed	#1405;

GRAVITY (Cont.)
Unrelated to similar viol. in other business #1305;

GUARDING (See Machine and WORDS & PHRASES))

HARD & COMPACT SOIL(See TRENCH)	
HARDHATS (See PROTECTIVE CLOTHING & EQUIP.)	ITO
Steps relieving R when employee does not wear	278 Atl. 2d 318;#259;1516; 2588;2818;2870;3824(RC); 3985(RC);4884;(RC);4897(RC); 5168(RC);6565(RC);7177(RC); 7522(RC);12099(RC);13332(RC); 79-6671;80-1609;80-4844;
More than order to wear required	#10554(RC);79-0460;
HARRASSMENT	#80-2087;
Prosecutorial discretion	#77-705;
"HAZARD"	
Absence of	#2004(RC);79-569;
Actual knowledge of (See KNOWLEDGE)	
Defined	#1916;2043;76-1791;79-5762(RC);
Due to vandalisum	#79-3304;
Exposure enough	#4356(RC);76-592(RC);
General knowledge of not enough, cited ind. must know	Magma;
History of accidents not necessary to establish	#76-4636;
Hydrocarbons as	#78-2589;
Industry practice only an aid in establishing	#14907(RC);78-4508;
Injury record as establishing	#78-2321;78-5920(RC);80-3102;

"HAZARD" (Cont.)

Legislative history to define	#79-5762(RC);
Lesser of two	#77-3589;
No way to avoid	#323;
Not based on test. of R's employees	#77-3856;
Not forseeable	#79-5507;
Not inappropriate word in standard	#8842(RC);
Not readily apparent	#77-508;
Obvious	#76-592(RC);76-1104(RC); 76-1844(RC);79-1081;79-2724; 79-7060;
Possibility must be determined by R	#16096(RC);
Precautions to take against known	Gen. Dynamics;
Precautions not in recognition of a	#80-6182;
Presumed if standard not complied with	#76-530(RC);77-1091;
Presumed to exist in some cases	#7987(RC);
Reasonable man test	#14899(RC);15037(RC);16200(RC); 76-1844;76-2383(RC);78-1879; 78-4508;79-407(RC);79-1263; 79-5235;79-5324;80-658;80-2849; 80-3295;Bristol;Cotter;
Determines	#14907(RC);80-1609;80-4561; 80-4844;
Familiar w/practice in cited industry	Magma;

"HAZARD" (Cont.)

Responsible posibility viz a viz probability	#80-4157;
Recognized (See Sec. 5(a)(1) and GENERAL DUTY)	
Defined	#12600(RC);76-1174(RC); 76-4807(RC);80-1609;80-6687;
Employee complaints	#79-4754;
Established by	#79-465;79-3222;
R's knowledge of some risk	#79-800;
Even tho not guarded	#76-4990(RC);
Gives fair notice of conduct required	Bethlehem III;
Industry or R's personal	#9224(RC);13390(RC);76-1174(RC); 78-5707;79-4612;80-576;Magma;
Not shown where only small % of industry protects	#78-3775;79-4603;
Precautions taken indicate	#76-1174(RC);
13' fall is	#76-2690;
Storage not a	#80-2273;
Respondent's own practice a factor in determining	#76-4990(RC);79-4104;
SOL need not prove unless standard protects against	#76-3517(RC);
Safety record doesn't negate	#80-1509S; 81-346S;
Short duration	#80-7356;

HAZARD (Cont.)	
Standard presumes	#76-3517(RC);77-242(RC);79-2969; 79-4517;80-7140S;
Non compliance with	#79-162
Titanium dust as	Titanium
Within R's expertise or did not require expertise to recognize	#5139(RC);
HAZARD, RECOGNIZED (See Sec. 5(a)(1))	
HEARING	
Closed	
R requests reopen for new evidence	#1746;
Continuance to conduct discovery	
Not granted where motion for not timely	#78-5911;
Error in	
Prejudicial	#49(RC);
Reopen and try on new theory	#4395(RC);
Failure to appear	#4035;13014;13191;14821;76-553 (RC);76-1778;76-1841(RC);76-2253; 76-4182;76-4877;77-2720(RC); 78-2988;78-3215;78-4350;79-2283 (RC);79-4221;79-4309S;79-6784;
Failure to notify affected employees of	#77-1646;79-3236;
Leading questions by Union to SOL's witness	#76-5197;
May be closed to protect trade secrets	#4385(RC);

HEARING (Cont.)	
Modification of abatement	
Union requests	#5819;
Motion during not supported by post-hearing brief	#195;
Notice	
If not posted & hearing already commenced	#2506;
Required to be valid	#49(RC);
Place for	#77-2876;
Reaffirming date unless settlement received	#3651;
Reopened by Judge after closed	Gordon;
New evidence adduced (See EVIDENCE)	#1955;
No new evidence	#25;
To try new theory	#4395(RC);
Respondent failed to appear	#239(RC);2686;2917;4035;5020;5942; 9379;10615(RC);14278;77-2720; 78-2988;80-5128;
Good cause shown	#76-1841;
SOL fails to present case at	#6858;80-999(RC);
Union failed to appear - waives notice	#4491;
HEARING TRANSCRIPT	
Incomplete due to faulty equipment	#204;
Not ground for reversal	#77-1300(RC);
HEARSAY (See EVIDENCE)	

HEIGHT	
Computed from resting surface to top of scaffold	#7542;
HISTORY (See PENALTY, History)	
HYPOTHETICAL QUESTION	
Based on sufficient facts in record	#7777;

IDENTIFICATION	
By label	#76-2360;
IMMUNITY	#803;76-1484(RC);
Who may grant	#1968;
IMPRACTICAL REGULATION	#295;
INCRIMINATION (See Witness)	
INDIAN TRIBES	
Sovereign rights	#76-5013(RC);
INDUSTRY PRACTICE	
Discussed	#16200(RC);76-1053(RC);76-1104 (RC);76-1844(RC);77-3031;77-3432; 78-2621;78-2939;79-3943;79-4549; 79-5275;80-219;80-1609;80-3295; 80-5271S;
Lack of expert testimony on	#79-6145;
Not based on opinion of Govt. employee	B&B
Not compelling when hazard known	#16188(RC);79-2765;80-3102; 80-5547;
Not determined by foreman's practice	#9985(RC);
Safety belts	#77-2100(RC);79-4262;
INFORMANT	#76-1484(RC);
Name confidential	#78-235(RC);Stephenson;
Who is	#6794;
INJURY LOG	
Equivalent of	#1578;

INJURY LOG (Cont.)	
Summary posted	
Only if injury during preceeding year	#3068;12577;
INSPECTION (See Walkaround)	
As harrassment following demand for warrant	#77-3130(RC)
Based on complaint by non-employee	#563;829(RC);
Complaint by former employee	
Discussed	#78-3468;
Compliance officer must know date of to tie down	#2887;
Consent based on threat of getting warrant	#78-4690;
Consent by senior employee present	#76-2748(RC);80-2378;
Consent to complaint items only	#79-2160;
Consent to OSHA less than required in criminal search	Milliken;
Consent to precludes subsequent claim of 4th Amend. violation	#78-6177;79-2969;Milliken;
Consented to valid	#76-4636(RC);80-5271S;
Consent must be truly voluntarily given	#76-4636(RC);79-2452
Credentials (See CREDENTIALS)	
Area open to public view (See INSPECTION, Public View)	#5258;15919;78-1353; Accu-Namics;
Diligent effort to contact R	
What is	#76-1035;

INSPECTION (Cont.)

Entry gained thru person able to authorize	Western
Exclusionary rule re Barlow's not retro	#76-1463(RC);78-5264(RC);Savini; Todd;
Failure to follow procedures not fatal	#76-3241(RC);81-226;
Failure to give respondent copies of standards cited at time of	#5324(RC);7606(RC);
Failure to object	#80-1151;
Failure to take employee rep. not fatal	#117(RC);5324(RC);78-727;
Failure to take R's representative	#117;
Not fatal	#224(RC);557(RC);559(RC);3197;
Harassment discussed	#77-3170;77-3773;80-785;
Hours for	
Any regular workshift	#78-2421;
Improper requires prejudice to vacate	#78-4989(RC);79-6938;Accu-Namics; Western;
Inadequate as basis for citation	#1506;79-4838;
In dual jurisdiction states	#77-4471;
Knowledge of right to insist on warrant not important in determining if consent given in OSHA case	Milliken;
Knowledge of right to object	#13874(RC);
Limited to portion of plant in noise case	#8165(RC);
Limits on	#78-382;80-785;80-6712;

INSPECTION (Cont.)
  May be continued after closing conference #5258;
  Multiple employer site #2097;
  Not resisted #78-5274;
  Not within prescribed time limits - no objection #8165(RC);
  Of equipment by employer
    Requirements of 80-7140S;Austin;
  On Sunday not fatal #2887;
  One who controls may give consent Western;
  Outside expert
    Trade secrets #76-1220(RC);76-2005(RC); 76-3939(RC);77-1550(RC);
  Plain view doctrine #79-2969;80-3798;Stephenson;
    Not if test req. to determine #79-2160;
  Prejudice to suppress #78-727;
  Presentation of credentials prior to
    Not essential if R aware of status #3699;5581;
    SOL must establish #4679;
  Prior does not excuse noncompliance #2887;
  Prior to presenting credentials because man in charge not immediately located #853;8520;
  Prior to use of crane
    Operator and oiler competent to make #190(RC);

INSPECTION (Cont.)

Procedures (See spec. part of, i.e., conference etc.)	
Public view	#477(RC);5324(RC);7064;15919(RC); Western;Katz (88S.Ct.507)
Reasonable time for	#445;80-3798;
Reentry to establish viol.	#5258;13119;
RC review to determine conform. with 4th Amend.	#78-5264(RC);
Right to SOL to reinspect for more evid.	#4385(RC);5258;13119;
"SIC" program as guide	#77-3267;
Single employee at worksite (phone co. installer)	
Must notify employer	#76-2516;
Sneaky	#76-4611;
Superficial	#2651;2938;
Timeliness issue requires prejudice	Stephenson;
Unobjected to is proper	#77-4310;79-69;
Unreasonable search and seizure	
Not where employee consented to	#1694(RC);
Violating Section 8(a)	#4679;
Violation observed before R's agent found	#9739(RC);

INSPECTIONS (Cont.)	
Walkaround (See)	
Warrant (See WARRANT)	
Warrantless (See WARRANTLESS)	
Who may	
Initiate	#563;829;
Without R	#557;1126;3197;
INSPECTOR	
Failure to point out violations does not inval. citation	#825;
Poor witness	
Violation not established	#137;
INSTRUCTION RE SAFETY	
Must be specific	#12964(RC);15388(RC);
INTERLOCUTORY APPEAL (See Appeal)	#4385(RC);
INTERPRETATION	
SOL's entitled to great weight (See Opinion)	Kesler;
INTERPRETING STANDARD	#680;
INTERSTATE COMMERCE	#79-4944;
Burden on Sect.	#1650;1654;79-3894;
Defined	#754;
Employer not in	#407;
INTERVENTION	
Freely granted	#78-127(RC);

INTERVENTION (Cont.)	
Owner of elec. line causing death of another's employee	#78-3166(RC);
RR where non-RR resp. cited for viol. on RR prop.	#77-3050(RC);
ISOLATED OCCURRENCE (See Violation)	
ISSUES	
Belatedly raised at trial Fair notice afforded	#102; National Realty;
Belatedly raised (Cont.) If tried unimportant that pleading did not raise	#1885;
Proper	#665;2097;6853;
Consent to trial of Implied only if R fairly appraised	#8275(RC);
Consider cause of accident	#84(RC);
Consider violation, penalty and abatement if any part contested	#93(Reversed by 2354(RC));77-2207;
Consolidated cases Raised by one good for all	#2097;
Formulation stage Includes hearing	#665;6853;
Judge should not raise sua sponte	#2346(RC);4395(RC);
Litigated by express or implied consent (See Amendment)	#1741(RC);2637(RC); 3258(RC);

ISSUES (Cont.)

May be litigated if fair notice given	#3235(RC);
Not contested but SOL raises in complaint by error	#78-1799;
On appeal to CA (See "when timely raised". below)	
Only if raised before RC	Keystone;
Only contested items considered	#413;650;
Only penalty, violation, or abatement as shown by NOC	#524(RC);2354(RC);But see 2019(RC);2314(RC);7413(RC);
Only tried issues	#4395(RC);
Review only those raised before ALJ	#76-926;
When timely raised	#6344;
Anytime during trial	#2097;7184(RC);
Not if initially raised before RC	#10677(RC);14748(RC);

JENCK'S RULE	#3395(RC);12817(RC);13401(RC); 76-1484(RC);
JOINT VENTURE	#1988;
Each to R as to own employees	#69;
JUDGE	
Abuse of discretion	#78-5034(RC);79-2667(RC);
Failure to grant reasonable continuance	#8629(RC);79-2225(RC);80-999(RC);
SOL's failure to follow procedural rules not	#78-1361(RC);80-6008(RC);
Taking case over thru questioning at hearing	CCH 23,889;
Amendment by does not est. prejudice	#76-3944(RC);
Appeal	#224;
Arm of RC	Accu-Namics;
Authority of is same as Review Commission	#2920;
Authority re deposition	#803;
Authority to call witness	#2920;
Authority to order employees to comply	#4897(RC);
Cannot raise issue for parties	#1263(RC);2346(RC);5543(RC);
Castigation of counsel	#5846;
Citation allowed to stand as complaint	#79-6850(RC);80-75(RC);
Conclusion of law	
Must be supported by the record	Cape and Vineyard;

JUDGE (Cont.)	
Continuance beyond 30 days	#15965(RC);
Decides standard has rational connection to Act he may not go any further	#1863;
Decision	
At hearing	#78-6148;
Based on credibility determination	
Must show reasons	#15757;16162(RC);76-431(RC);
RC will not disturb	#642(RC);3395(RC);5467(RC); 14275(RC)
Unless substantial evid. supports other	Allis-Chalmers
Based on stipulated facts	#4318;
Effect of	#77-2401;
No further evidence after	Accu-Namics;
Precedence of	#3635(RC);4090(RC);5093(RC); 8380(RC);77-2401;
Not binding but RC may later adopt	#15538(RC);
Preliminary order of RC	Otinger;
Preponderance of evid. to support	#16162(RC);
Quality of	#76-431(RC);
Determine privilege claim under Freedom of Information Act	#1343(RC);
Discovery within discretion of	#12831(RC);
During trial has all powers of RC	#2271;3367;

JUDGE (Cont.)

Findings of fact by (See FINDINGS OF FACT)	
Impartial	#25(RC);
Improper participation in hearing	#49(RC);
In setting penalty must consider 4 factors	#3705;
Increase penalty (See Penalty)	
Jurisdiction over file	
Retains until decision docket date	#7377(RC);
Not after decision issued	#878;78-1044;78-1764(RC);78-5016 (RC);
May correct obvious error in complaint	#538;
May modify penalty even if stip. to	#494(RC);
May not amend cit. in diff. charge	#810;
May not amend final order	#722(RC);878(RC);949;
Contra	#2079;
May not change standard	#1113;
May not decide constitutional issue	#2630;
May not decide untimely req. for mod. of abatement	#2095;
May not expand standard	#676;
May not increase severity of violation	#690(RC);

JUDGE (Cont.)

May not overrule RC when it had facts	#1468;
May not question wisdom of standard (See Standard, Wisdom)	
May reopen hearing prior to decision	Gordon;
Must accept proffer by employee rep. on disputed point	#722(RC);
Must follow RC precedent	#3514(RC);4514(RC);5708(RC); 11434(RC);79-5605;
Must independently determine penalty	#48(RC);
Must make findings of fact	#76-431(RC);Goodrich;
Must rule yes or no on violation	#798;
Not over class larger than employees	#247(RC);
Not required to visit scene, especially where it is prob. very diff.	Mohawk;
Only consider issues raised	#687(RC);1420(RC);
Oral dec. reaffirmed by written decision	#79-1658;
Powers of	#494;2309(RC);
To call witnesses	#2271;
Pre-trial conf. not recorded-criticized	#239(RC);
Pre-trial order by	
Case dismissed for failure to respond	#4867;12713(RC);
Contra	#12831(RC)

JUDGE (Cont.)

Pre-trial order by (Cont.)	
Failure of party to comply with	#76-5197;
Not complied with completely	#12831(RC);
Requires prejudice to dismiss	#76-3176;78-5034(RC);
Sample	#7099;
Primary responsibility for developing record	#2271;
Questioning of witnesses	#836;15780(RC);79-4262;
Raising issue sua sponte	#2346(RC);3948;4179;5064(RC); 5543(RC);
Recusal	#80-146;
Reduce serious cit. to other	#594;
Reversal of by RC must be based on record	Gilles & Cotting;Burgess;
Role at trial	#6120;
Ruling at trial	
Exception must be taken to preserve	#4533(RC);
Ruling on motion reserved	
Evidence to consider	#3197;
Should assist unrepresented R	#49(RC);
Stipulation of parties	#494;
Not required to accept	#675(RC);

JUDGE (Cont.)	
Sua sponte	
Amendment by	
Raising defenses	#13692(RC);
Raising of issues (See Raising Issues, this title)	
To delete offensive word	#2630;
Supplemental order by to correct earlier dec.	#6604;
Trial is de novo	Sheehan;
Unavailable	#1553;1734;
Unreviewed decision may be reconsidered by RC	#6031(RC);
Visual observation by	#155;2346;Mohawk;
JUDGEMENT ON PLEADINGS	
Form	#239;
Vacate citation	#604;
JUDICIAL NOTICE (See Official Notice)	
Distinguished	#354;
JUDICIAL REVIEW	
Only as to issues litigated before RC	GAF;
JURISDICTION	
Activity where other Dept. has proposed rulemaking	#15920(RC);
Affecting commerce (See)	
Affirmative defense to be asserted	#1134(RC);1672(RC);1690(RC-D); 2658(RC);3818;5960(RC); 76-1201(RC);

JURISDICTION (Cont.)

Barber shop included	Gibson's;
Burden of proof on G	#657;1605;1654;
CO conclusion re not enough	#3688;
Consultants	#80-146;
Employees	#4079(RC);
Formen	#79-6649;
Exercise of	
Key word	Southern Railroad;
Proposed rulemaking not	#4616(RC);13030(RC); 16213;
Federal Metal & Non-Metalic Mine Safety Act	
Milling in aluminum plant	ALCOA;
Milling in brick plant	#5306;
Federal and State simultaneous	#11904;
G must prove R in interstate commerce	#407;1605;
GSA contract	#11127(RC);
Land clearing operation	#2455;
Judge does not have once he makes dec.	#878(RC);
Lack of	
Affirmative defense to be asserted by R	#13134(RC);

JURISDICTION (Cont.)	
Lack of (Cont.)	
Not in issue	
Judge must still make FoF	#13134(RC);
Logger subject to sawmill regs. while at sawmill	#237;
Longshoring	#2240(RC);
Seamen as	#2240(RC);
May be raised as an issue at any time (306 U.S. 583)	#738;2818(RC);2862(RC);2896; 2997(RC);2998(RC);4815;
Must be established by SOL	#3667(RC);3688;79-4110;
Notice of withdrawal does not divest	#8;37;58;
Only issues raised	#687(RC);2872(RC);
Only items to which NOC filed	#388;435;689;1003;2354(RC);
Over (See Section 4(b)(1))	
Abatement (See Abatement)	
Only reasonableness of and not fact of	#562;873;2687;
Variance	#563;
Activities regulated by other agency but regulation not for health and safety purposes	#683(RC);
Airline	#9392(RC);
Army contract	#16056(RC);
Business affecting commerce	#119;754;1605;1654;2213;2536;
In Puerto Rico	Caribtow Corp.;

JURISDICTION (Cont.)

Over (Cont.)

Coast Guard regulated activity	**#589;1979;4786;79-6896;**
Construction entered into prior to the Act	**#306;657;827;832; 3344(RC);6007(RC); Underhill;**
Contract under supervision of FAA	**#2524;**
Divided	**#1593;1873;**
Engineering firm supervision const.	**#1127;**
Explosives	**#1098;**
FAA contract	**#2524;**
Indian reservation	**#15241**
Industry where rule making proposed	**#13164(RC);15920(RC);**
Industry wide, not	**#12035(RC);**
Issue litigated at hearing as long as fair notice afforded	**#378(RC);National Realty;**
Labor-management question raised by union incident to question of abatement	**#1503;**
Land clearing operation	**#2455;**
Longshoremen	**#7;1132(RC);4786;14617;**
Meatpackers	**#61;250;251(RC);445(RC); 464;1410(RC);1987(RC);**
Noise in	**#914;**

JURISDICTION (Cont.)
Over (Cont.)

Merchant seamen	#2391;2240(RC);
Mine products	#683;837(RC);1593;
Modification of abatement (See Abatement)	#1210(RC);
Motor Carriers	#10889(RC);
Penalty where NOC to viol. only (See Echols)	#370(RC):2354(RC);
Puerto Rico	#4815;Caribtow;
Quarries	#58;837(RC);1593;
Railroad	#1697;4318(RC);4616(RC); 12420(RC);13214(RC); 15920(RC);76-1182(RC); Southern Pacific; Southern Railroad; Union; B & O;
Bankruptcy doesn't affect	#10111(RC);
Employee doing non RR work	#4318;
If no spec. reg.	#738;
Joint	#1348;5960;
Reinstatement of NOC after becoming final	#1468;
Sand dredging	#837(RC);
Seamen	#1132;

JURISDICTION (Cont.)
Over (Cont.)

Slaughterhouse	#251(RC);
SOL must establish	#8844;
Standard	#1126(RC);
State	#1165(RC);11904;
Transportation of gas (Pipeline Safety Act)	#4091(RC);
Does not include contractor at facility	#4091(RC);
Truck terminal maint. shop	#10889(RC);11854(RC);
Truck while being unloaded	#2546;6483(RC);
Trust territories	#78-2779;
Underground excavation not for mining purposes	#906;
Vessel	#354;
Violation where NOC to penalty	#93;689;1086;1623;1705; 1760;2028;2052;2354(RC);
Violation not contested and RC finds no violation (See Echols)	#689;881;900(RC);1003; 1364;
Withdrawal	
Vested solely in SOL	#2069(RC-Dis);
Reconsider own order	#2309;

JURISDICTION (Cont.)

Resp. cannot concede	#2896(RC);
Resp. fined by State for same incident	#1578;
Resp. supplies product to customer in interstate commerce	#14;
Resp. uses supplies passed in interstate commerce	#781;
Retaining not permitted	#2739(RC);
Restricted to issue contested	#650;689;1003(RC);2113;
Review Commission does not have beyond 30 days after ALJ dec.	Otinger;
Review Commission power to resolve	#3667(RC);
Review Commission to reinstate NOC after Judge's grant of motion to dismiss becomes final	#1468;
SOL presents no evid. re "affecting commerce"	#76-631;
Superceded by	
Coal Mine Health & Safety Act	30 USC 821;Sec. 4, Law;
Metal & Nonmetalic Mines Safety Act	30 USC 732;#837;
State plan when effective	#1578;
Test is not whether other agency regulated but rather whether it had statutory authority to	#1132(RC);

JURISDICTION (Cont.)	
To reinstate on merits after answer time expired	#2309;
Dismissal for failure to answer	#2309;
Truck during loading and unloading	#1588;1873;
Vacate uncontested item for lack of	#4350;
JURY TRIAL	
OSHRC hearing does not require	#76-2748(RC);Atlas & Irey (Sup. Ct.);Savini;

KNOWLEDGE (See Employer)	
Absent if engineering study needed to establish	#10646;
Actual is enough for 5(a)(1)	#76-665;79-407;80-6182;Vy Lactos; Cotter;
Actual or constructive required	#16096(RC);
Adequate training program would have provided	#12153;
Affirmative defense re	
Lack of	#2752;
Applies to physical conditions and not of Act	#12174(RC);
Based on foreseeability and not R's subjective judgment	Arkansas;
Brief exposure doesn't est.	#13135(RC);
Burden of proving on SOL	#8687;13122(RC);13315(RC); 16147(RC);16184(RC);76-4174; 80-7356;Alsea Lumber;
Construction industry	
All subs working in governed by	#76-2690(RC);
Constructive	#80-6344;
If easily discoverable	#13595(RC);15757(RC);15841(RC); 15919(RC);
Reasonable diligence exercised	#16147(RC);
Could have known is enough	#15841(RC);
DeFacto foreman's imputed to	#77-979;
DeFacto supervisor's imputed to	#76-4271(RC);

KNOWLEDGE (Cont.)

Diligence, failure to exercise	#9118(RC);13266(RC);15841(RC); 79-2963;
Does not exist where new process being utilized for first time	#12213;
Either actual or what is gained by reasonable diligence	#76-1408(RC);76-2777(RC);
Element of all violations	#258(RC);355;4654(RC);5356(RC); 6696;79-3368;Alsea;Rockwell;Nat. Steel;
Elements establishing	#676;922;13315(RC);
Employee complaints	#79-4838;
Employee goes to different jobsite than R expects	#15438(RC);
Employee in trench without permission	#7455;
Employee misconduct (See EMPLOYEE and DEFENSE)	
Employer's	#2887;
Of unexpected exposure	#10654;
Essential element of violation	#13135(RC);
Expert opinion required	
Cannot say R has knowledge	#74;311;1264;
Failure to instruct est. knowledge of failure to wear	#76-2552(RC);
Foreman's acts where he is exposed	#10792;13266(RC);15472(RC); 15760(RC);

KNOWLEDGE (Cont.)

Foreman's imputed to R (See Employer, Knowledge)	#4448;7065;8387;9314(RC);9338(RC);11286;13390(RC);13503(RC);76-1309;76-2390(RC);76-2414(RC);76-2523(RC);76-3105(RC);76-3241(RC);76-3743(RC);77-91;77-3772;78-74;78-4204;79-2963;79-3067;79-3163;79-3303;79-4505;79-5270;80-1943;80-2763;80-4414-80-4561;80-6246;81-226;Georgia Elec.;
Contra	#2548;3551;5811;Horne;
Where he disobeyed orders	#9806(RC);77-3772;
Where he doesn't exercise control	#76-4174;
Determined by duties	#78-3979;
If no policy against	#76-1796;
Negligence	#16223(RC);Ocean;Pike;
Temporary with some authority imputed to employer	#9295(RC);78-727;
Unless he disobeys	#3551(RC);9608(RC);15919(RC);Pike;
Unless he sees for first time on insp.	#13135(RC);
Willful (But see 78-727)	#9339(RC);
Foreman's lack of due to employer laches	Georgia;
Forseeability	#4447(RC);15438(RC);16223(RC);76-1174(RC);79-4473;
Depends in part on training	Horne;
Hazard and not the law (standard)	#14886(RC);78-29(RC);

KNOWLEDGE (Cont.)

Hazard must be anticipated	#15841(RC);
If R protects sometimes he must protect at all times	#302(RC);80-7356;
Isolated instance	#8687(RC);12577;80-7356;
Implied if employee normally exposed	#4374;
Lack of instructions	#15923(RC);Ames Crane;
Lack of regarding requirements	#298;1888;
Lack of regarding violations	#144;237;355(RC);1741;2692;3863; 8687(RC);15438(RC); 76-4153(RC); 78-555(RC);79-1173;79-2638;79-6783;
Violation created while foreman's back exposed	#12100;
Lack of safety program establishes even tho sup. did not	#4675(RC);
Lack of supervision as affecting	#1453;6908(RC);
Leadman but not a foreman - knowledge not imputed	#77-2292;
Contra	#80-5153;
Manufacturer's brochure	#80-6182;
Momentary does not establish	#76-783;
Nonserious violations	#211;777;4654(RC);9413(RC); 15906(RC);
Discussed	#8055;
Element of	#355(RC);8687(RC);78-4679; Alsea;Horne;Rockwell;

KNOWLEDGE (Cont.)

Of Act not material	#781;
Of hazardous cond. which violates Act acquired on walkaround does not sustain SOL burden of est. R's knowledge	#13135(RC);
Of nature of charge by walkaround rep. imputed to R	#15450(RC);
Of standard	
R has duty to inquire	Diebold;
Open and obvious hazard	#3041;78-5845;
Operator's manual not actual	#80-6182;
Presumption of	#77-1116;80-3708;80-3808S;
Project engineer	#12136;
Protective equipment use shows employer's	#79-6938;
Prudent man test	#11968;80-2760;Getty;Power;
Reasonable diligence to know all that is required	#12892(RC);14884(RC);16184(RC); 77-2039(RC);78-1562;78-1710; 78-3979;79-2209;79-3683;80-6003; 80-6344; 81-635;
Required for all violations of Act	#9413;77-2762;78-414;78-4674;
Respondent	
Could have known by testing	#10757(RC);
Must make an effort to know	#5478(RC);

KNOWLEDGE (Cont.)	
Respondent (Cont.)	
Required	#2637(RC);9413(RC);
Should have known of violation	#3395(RC);
Or could have known	Pike;
Safety program (See SAFETY PROGRAM)	
Saw operation	#1228;
Serious violation	
Established by lack of safety program	#76-780;
SOL must establish	#1422(RC);9726;14235; 76-4153(RC);
Special testing equipment required to detect	#78-1907;
Standards existence	
R has duty to inquire	Diebold;
Subcontractors for viol. of other trade in equip. sub is using	#79-25;
Subcontractors of general's poison gases	#78-3607;
Supervisor created contrary to R's policy	#15841(RC);
Supervisor's imputed to R	#2763(RC);13266(RC);13502(RC); 13573(RC);14173(RC);76-1174(RC); 76-1393(RC);77-2762;78-1353; 78-1908;78-4823;78-6265(RC); 79-1081;79-1214;79-3323;
Contra	Horne;
Supervisor's present est. R's	#14;43(RC);163;1405;1670;2246; 13502(RC);
Contra	Horne;

KNOWLEDGE (Cont.)

Unexpected act	#80-3369;
Contra to safety instruction	#8687(RC);
Experienced workman	#5622;
Violation out of R's work area but which his employee entered temporarily	#79-819;
Week-old inspection not defense to	#78-3031;
Where R ordered corrected before inspection	#78-1279;
Within industry but not by employer	#4740;
Within industry of prot. cloth. etc.	#676(RC);
Within specific industry required	H-30;
Witness equivocates Does not est. R had	#9808;
"Working leaders" attributed to R	#77-859;
Work rule shown	#78-29(RC);
Worksite tests for R negative	#2692(RC);

LABOR DEPARTMENT DIRECTIVE
  Not binding on RC #914;

LABOR DEPARTMENT EMPLOYEE
  Not required to counsel employer #914;

LADDER
  Defined #3028;

  Escape purpose only #1863;

  Extension above excavation
    Difference of inches between standard and facts is De Minimis #145;

  "Landing" - defined #702(RC);

  Must be used #77-2115(RC);

  Not a stairway #4140;

  Rail-bent is not a defect #1209(RC);

  Rung-crimped is not a defect #1209(RC);

  Safety device #76-4883;

  Single bar does not constitute Stanchions as guardrails #76-1435; #80-4035;

LEAD #79-3009;
  Fetus affected by #79-5762(RC);

  Testing for presence of airborne
    Air samples and not biologically #10;

LESSEE
  Not liable to discharge owner's duty #961;

LESSOR	#1362;1373;
Responsible for his employee operator	#890(RC);
Responsible for acts of lessee's employee creating hazard	#15388(RC);
LIFE JACKET	
Employer only required to furnish	#1284;
When furnished but defective - What is	#1284;
LIFELINE	
Failure to hook-up	#25;41;226;1205;
Not cited under 29 CFR 1910.132(a)	#1113;
Not required by	
1926.104	#1399;2249;
1926.105(a)	#117(RC);2249;
LIFE SAFETY CODE (See National Consensus Standards)	
LIQUID	
Volatile - no sample taken - no proof of violation	#180(RC);
Label on can	
Presumed to identify contents	#7869(RC);
LOAD LINE	
Part of crane	#1128;
LOG OF OCCUPATIONAL INJURIES	#3068;80-3985;
Any reasonable alternative form will suffice	#1097(RC);
DOL does not have to furnish specific form	#1097(RC);

LONGSHOREMEN	
Covered by Act while aboard ship	#1132(RC);
LONGSHORING	#80-2540S;80-2771;80-4220; 80-6000;
Const. dist.	#11007;79-1355;
LUNCH ROOM	
Requirement for	
Reasonable	#123;

MACHINE(See 29 CFR 1910.212(a)(1) and Words & Phrases)

Guarding

Application to maintenance & cleaning personnel	#793(RC);3460(RC);
Applies to mfg. machines	#8274(RC);
Automatic positioning (3)	#16188(RC);
Available for use	#79-7165;
Burden of proof	
Where R shows it cannot guard SOL must show how	#15694;
Duty to in manner that doesn't create new hazard	#76-1410(RC);
Employee attempt to circumvent no violation	#76-1062;
Employee must not be able to circumvent	#76-3113(RC);
Function determines which standard applies	#76-1513(RC); 76-1656(RC);
Malfunctioning safety device not a viol.	#6287;
Not just to protect operator	#78-2346;
Partial protection not enough	#16188(RC);77-705;
SOL not always required to show how	#7925(RC);
To protect passers-by	#77-4009;
Tractor not such a machine requiring guarding	#8274(RC);

MACHINE (Cont.)	
Guarding (Cont.)	
100% protection not required	#1885;
Paper cutter not	#2358;
Portable grinder is	#2739;
MACHINERY	
Automobile is	#10117;
MAIL	
Delayed receipt of NOC	#2035(RC);
MANAGEMENT REPRESENTATIVE	
Project engineer as	#12136(RC);
MANUAL RE TRAFFIC CONTROLS	
Uniform traffic control not binding	#78-3229;
MEASUREMENT	
Actual over estimate	#76-1264;
Estimation by CO not acceptable	#76-1887;79-2779;
Failure to precisely measure	#3491(RC);12750(RC);
For noise	#9616;
Poorly made	#7562;
Should be made if feasible	#1128;
Sound representative for period of exp. accepted as reliable	#1231(RC);
Visual observation not adequate Unless R doesn't object	#503;76-4063; Stephenson;

MEATPACKERS
Jurisdiction over #464;

Variance from platform railing requirements #508;

MEDICAL FACILITIES
Availability of #331(RC);1541(RC);1571;

SOL must prove #11050;

MEDICAL RECORDS #77-4297;80-2;80-7116;

MESH GLOVE (See Protective Clothing)

MIGRANT WORKERS (See FARM WORKERS)
Employer of #15904;78-1103(RC);

MISCONDUCT(See EMPLOYEE)

MOTIONS
Amended
Decision must reflect #1034;

Default judgment #79-2225(RC);

Directed verdict
Under FRCP an involuntary dismissal #9850(RC);

During hearing not supported by post-hearing brief #195;

Failure to answer #2873;
Significance of #12715(RC);

More definite statement #76-5162(RC)
Before any responsive pleading is filed #76-2049(RC);

MOTIONS (Cont.)

Must give reasons for ruling	#14822;
Pro se letter construed as for Rule 60(b) purpose	#78-2230(RC);
Ruling on must await exp. of response time	#78-2161(RC);78-2485(RC); 79-1552(RC);
Ruling reserved	
Consider all evid., even received after motion	#3197;
Summary judgment	#11644;78-5940(RC);79-4336;
To accept late complaint	#80-3347(RC);
To accept late brief	#6352(RC);
To amend pleadings	#78-5954(RC);79-1552(RC);80-3592; 80-4035;
Issue impleaded	#78-6247(RC);
To dismiss	
Answer not timely	#721;
Appropriate where R doesn't reply to order to show cause	#10797(RC);
At trial	#77-2831;
By SOL after hearing requires RC approval	#920(RC);
Close of SOL's case	#4533(RC);9850(RC);
Evid. viewed most favorable to SOL	#4503(RC);
To avoid remand all evid. should be taken	#9809(RC);76-431(RC);76-5307(RC);

MOTIONS (Cont.)
To dismiss (Cont.)

Complaint improvidently waived	#80-6311;
Complainant's must be posted	#12667;
Contumacious conduct required	#79-1059(RC);
Contra	#78-1361(RC)
Defer ruling until all evidence in	#78-2346;
Employee rights re	#76-1056;
Exposure not est.	#78-4924;
Failure to act	#78-1065;
Failure to answer	#4778;78-692;
Failure to comply with judge's orders	#76-171(RC);
Failure to comply with service req. resp. motion to withdraw	#551;553(RC);755;784;828;947;1096;
Failure to file complaint	#78-3352(RC);80-2149;80-2618(RC);
Failure to permit discovery	#1343;
Failure to prosecute	#80-2281
Failure to prove	#705;817;3004(RC);76-5307(RC); 79-6166;
Failure to specify noise levels found	#76-1850;

MOTIONS (Cont.)

Failure to state a claim	
Well pleaded allegation of complaint admitted	#3661(RC);
Hearing where facts disputed	#4309;
Judge erred in granting at end of SOL's case	#4533(RC);76-967(RC);
Not acted on until SOL clearly cannot prevail	#8842(RC);
Not for failure to post citation	#725(RC);
Not for lack of particularity in citation	#76-1463(RC);
Contra	#11865(RC);
Not proper	#900;
Prejudice required	#76-171(RC);79-1059(RC);79-6649; Jensen;
Contra	#78-1361(RC)
Refusal to permit discovery	#1343;
Response not mandatory	#5786(RC);
SOL fails to inspect	#79-2258;
SOL fails to present case	#6858;
SOL refuses to amend	#14675(RC);
With prejudice	
Delay for contumacious conduct	#78-145(RC);

MOTIONS (Cont.)

To dismiss (Cont.)	
Without	#79-2380(RC);
To disqualify	
Commissioner from presiding	#76-4757(RC);
To expunge the record	#78-1485(RC);
To impose sanctions	#78-1361(RC)
To produce records	#13401(RC);77-4297(RC);
Must be couched in language saying what is desired	#5572;
Notes of inspection	#12569(RC);
To stay	#79-2225(RC);
To strike	
Discussed	#77-4089;
To express	
4th amend. violation	#79-2452;
To quash warrant	
Treated as motion to suppress evid.	#80-1308;
Once granted cannot be reactivated	#14951(RC);
To supress	
4th amend violation	#78-2739(RC);79-2452;
To recuse	#80-146;
To reopen record	#9850
To suppress evidence	
No probable cause	#78-5264;

MOTIONS (Cont.)
  To vacate decision #79-3136(RC);

  To withdraw
    Citation
      NOC posted and proof thereof #79-454(RC);

    Complaint
      Not unilateral #4714;

    Criteria
      Abatement & pay penalty #5150;

    Lack of evidence #80-3661;

    Posting #1902(RC);

    Requirements for #4651;

MULTI-EMPLOYER WORKSITE (Also see EMPLOYER, General Contractor)
  Each resp. for his own employee's exposure #78-3031;

  Each resp. for other's exposure to his viol. #3694(RC);8221(RC);12775(RC); 76-3337;

  Generally #78-3234;

  In an out-of-the way location #78-3899;

  Rule not restricted to construction industry #76-1408(RC);79-5496;

NATIONAL CONSENSUS STANDARD

Adoption need not be word for word	#3460(RC);12470(RC);79-4478(RC);
Advisory unless incorporated in CFR	#963;1906;9968;14721;
Defined	#364(RC);563;
Det. by SOL that standard is not binding on RC	#2920;
Headnote of must be carried forward	#2271;
Incorporation by ref. valid	#77-1999;
Invalid	#80-3295;
Life Safety Code	
Aid in interpreting standards in Subpart E	#76-2049(RC);
National Electric Code as	#1716;
National Fire Protection Association	
Aid in interpreting standards in Subpart E	#76-2049(RC);
Number 01.1, 1954 (R1961) not properly promulgated	#2271;
Operation of	#2271;2920;
Promulgation	#76-647(RC)
Valid even tho every employee does not agree	#1694;76-171(RC);
Re mercury	#563;
Re saw guarding	#945;
Value of depends on facts	#77-705;79-3392;

NATIONAL CONSENSUS STANDARD (Cont.)	
What is	#44(RC);364(RC);2920;
NATIONAL GAS PIPELINE SAFETY ACT	#77-2289(RC);
NAVIGABLE WATERS	#354;
NEGLIGENCE	
As defense	#2752;2863;4307;
Feasible control of (See Engineering Controls)	#6027;
Gross of employee contributes	#9;
Of employee no defense by employer	#83;
Contra	#2752;2863;4307;
NIOSH	
Criteria Documents	
Effect of	#3635(RC);
Recommendation	
Not binding on SOL	GAF;
Tire repair	#79-4754;
NOISE	
Citation not defective if location of noise not specified	#14702(RC);
Cumulative effect of	#2116(RC);
Damage is insidious	RMI;
Dosimeter proper for measuring	#15022;78-1247;79-6938;
Economic feasibility of abating	#3635(RC);3973(RC);79-6938;
Eng. & Admin. control preference not arbitrary & conspicious	#6352(RC);

NOISE (Cont.)

Engineering control of	
Less than total resolution considered feasible	#14702(RC);
Must merely reduce	#3973(RC);8165(RC);13171(RC);
But significantly	#78-1303;
Must reduce to within acceptable limits	#1551(RC)(Overruled)
SOL must show feasible	#1551(RC);6286(RC);
Expert must testify re	#13417;
Faulty testing for	#4474;
High gravity if evid. of	#456(RC);3905;
High level uninterrupted not SOL's burden	#77-580;
Interpolation of readings to det. viol.	#268(RC);
Measurement to determine levels	
Spot reading to determine	#1551(RC);
No duty for medical treatment	#79-1868;
Not serious violation	#77-2974;
Personal prot. must be supplied and used	#77-580;80-3320;
Personal prot. only after controls implem.	#77-580;
Reduction must be substantial	#6352;77-2846(RC);
RC must det. if eng. controls will reduce to perm. limits	Goodrich;

NOISE (Cont.)	
Serious v. nonserious	#268(RC);
Penalty for	#268(RC);
SOL does not have to show excessive noise uninterrupted for period in table	#268(RC);6352(RC);
Other evidence may establish exposure	#268(RC);
Testing for	#1551(RC);5978;6352(RC);10920; 12817(RC);80-1841(RC);
Discussed	#77-580;79-6938;80-2562;
NOLO CONTENDERE (See Pleading)	
NONSERIOUS VIOLATION	
Defined	#355(RC);
Grouping to make serious	#76-2721;
Penalty for	
Required	
Violations	#59;
NONWORK AREAS	#295;1717;1727;1757;
NOTICE (See SERVICE OF NOTICE)	
Adequacy	#85;4309;76-2165(RC);Buckley;
Employees entitled to, of PMA	#78-4409P(RC);
Employees entitled to, of settlement	#78-2485(RC);
Judicial and official distinction	#354(RC);
Of hazard may be est. by inapp. standard	#15169(RC);
Publication in Fed. Reg. of standard	#15169(RC);
Background	#78-6148;

NOTICE (Cont.)	
Referral to accept	#77-2720(RC);
Refusal to accept doesn't toll 15-day period	#6349;
Respondent entitled to know charge	#285(RC);370;1263;
R permits intro. of evid. re new standard as	#12964(RC);
To all parties	#912;
Posting for unrepresented employees	#1902;4303;4793;5809;
Service for unrepresented employees	#1902;4303;4793;5809;
Validity of service	#77-2720(RC);
NOTICE OF ACCIDENT	
No violation if G knew even tho R failed to give personally	#650;
NOTICE OF CONTEST (NOC)	
Abatement also raises violation	#2019(RC);6448(RC);15965(RC);
Contra	#76-4719(RC);
Failure to forward to RC	#76-2132;
Request for ext. of construed as NOC	#6448(RC);76-2864;
Ambiguous by pro se construed liberally	Penn Dixie Steel;
Ambiguous re abatement and contest of citation	#15965(RC);
Amended	
By answer	#76-4378;

NOTICE OF CONTEST (Cont.)	
Amended (Cont.)	
By complaint	#5;
Respondent	#2028;
To contest additional items not permitted	#2028(RC);
Clarified by answer	#2004(RC);3344(RC);3443(RC); 7413(RC);10732(RC);12463; 13973(RC);79-6138;Penn-Dixie
Construed in light most favorable to R	#873(RC);
May be expanded	#2004(RC);3443(RC);7413(RC); 10732(RC);
Date of receipt by Dept. controls and not in OSHA	#572;
Defect in not cured by answer	#81-560;
Delayed due to poor mail service	#2035(RC);
Determined by date of mailing, not postmark	#80-4718(RC);
Determination by RC	#1333;
Dismissal of (Extreme sanction)	#1376;1625;1767;2019;3464;6954 (RC); 80-3689A(RC);Echols;
Due process satisfied by	Clarkson;
Duplicate as answer to complaint	#893;
Employee's	#1942;2017;
Limited to abatement time and not plan of	#2786(RC);10340(RC);
Equivalent to answer	#76-4761(RC);

NOTICE OF CONTEST (Cont.)

Expanded to include citation	#2004(RC);7413(RC);
Extension of time for	
Not authorized by law	#721;
Failure of Secretary to timely transmit (See transmit to RC within 7 days)	#464;1003;1057;1106;1333;1576; 1625;Echols;
Dismissal for is extreme sanction and not used if no prejudice	#2019(RC);
Excusable	#1333(RC);
Must permit Secretary to explain	#1333;1625(RC);1767;
Explanation not accepted	#1625;
3 months delay accepted	#6954(RC);
Failure to post cured by subsequent stipulation	#977;cf 725;
Filed with RC	#77-520;
Intent	
Liberally construed	#76-944;
Plain controls	#15472(RC);
Interpreted by RC	Sheehan;
Invokes RC jurisdiction	#14822(RC);
Issues raised by are de novo	#690;
Lack of good faith	#467(RC);

NOTICE OF CONTEST (Cont.)	
Letter seeking abatement extension is	#6448(RC);
Liberally construed	#2019(RC);3713;10334(RC);13122 (RC);76-324(RC);80-1345(RC); Echols;Penn-Dixie;Haugen;
But not tortured construction	#13925(RC);
Limits issues to	#2818;
Misdirected to wrong office but timely	#76-1460(RC);
Misled by SOL	#9890(RC);15761(RC);76-2177(RC); 77-3772(RC);79-1158;
Not a responsive pleading	#3892;
Not timely (Also see Timely, this heading)	#721(RC);738;1302;9890; 14839(RC);76-3343;79-6864;
Cannot be waived	#76-3670;77-520(RC);77-1073(RC);
Citation not received	#78-2829(RC);
Conf. w/LD officials as grounds for ext.	#77-3267;
Due to clerical error	#78-2829;
Due to R's oversight - time not tolled	#76-4531;
Due to SOL's deception or failure to follow proper proc.	#9890(RC);15761(RC);76-2177(RC); 76-3343;77-3772;
Good faith alleged by R	#721;15196;77-520;
Oral	#4309;77-3772(RC);
Acceptable is R didn't realize it had to be written	#9206(RC)(But see #77-3020(RC));

NOTICE OF CONTEST (Cont.)	
Oral (Cont.)	
Amendment of	#3443(RC);
Failure to follow-up with written NOC due to clerical error defeats oral NOC	#76-2467(RC);
Followed by written	#76-2177(RC)(But see #77-3020(RC));
Not accepted	#77-3020(RC);
Penalty notice starts time running for	#5574;
Penalty only (Echols)	
Abatement not tolled	#1122(RC);2354;
Answer may amend to incl. viol.	Haugen;
Citation not in issue	#1122;2354(RC);4298;4998;
Contra	#2004(RC);7413(RC);14098(RC); 14675(RC);
Interpreted broadly	#2004(RC);
Includes amount thereof	#78-5503;
Includes violation where R so intended	#1760;2354;7413(RC);13973(RC); 77-2207;Haugen;Penn-Dixie;
Enlarged at hearing	#78-3297;
R may not sub. raise issue of viol.	#1646(RC);1811(RC);2446(RC); 15472(RC);15760(RC);
Contra	#7413(RC);76-324(RC);
Violation may not be considered	#1122(RC);2053;2314(RC);2446; 3068(RC);8051;8823;Sheehan;
$0 not in issue	#890;

NOTICE OF CONTEST (Cont.)

Petition to modify abatement is not	#76-4719(RC);77-1493(RC);
Posting of	#725;
Adequate where no employee or union party	#1902;
Postmark	
Prima facie evid. of mailing date	#15116(RC);
Prompt transmittal of	
Not necessary if no prejudice	#5960(RC);
To protect employees	#1589;
Re abatement includes violation	#6448(RC);
Re abatement period by employees	#1942;2017;
Respondent only person who can initiate	#1553;
Respondent's intent	
Judge may not inquire into sua sponte	#10228;
Restricts issue to single time contested	#650;
But all elements of item, i.e., violation penalty, abatement	#93;689(RC);1086;1623; (See Penalty also)cf.1760;
Request for informal contest not	#12797(RC);
Service of on employee not satisfied by posting complaint	#458;
Time for (But see Atlantic Marine and heading TIME)	
Special circumstance permitted 1 day waiver (2 CO's issued sep. cits. on diff. dates and R timely contested last cit. received)	#8859(RC);

NOTICE OF CONTEST (Cont.)

Timely	#605;1551;1625;2295;2936(RC); 10226;14839(RC); 80-2281;
Addressee away and didn't receive	#12699(RC);76-4316(RC); 80-1920(RC);
After clear notice of proposed penalty	#133(RC);
Citation amended by changing abatement	#78-4277;
Date of mailing not postmarks controls	#3543;15116(RC);76-171(RC);
Failure to due to clerical error	#16248(RC);80-3848(RC);
Liberally construed	#10108;80-1920(RC);80-3848(RC);
Misdirected to wrong office	#76-1460(RC);
Not mailed on 15th day & postmarked 16th day - OK	#3543(RC);(See #9890(RC) also)
No jurisdiction	#4532(RC);12549;15196(RC);
Rec'd in corp. office & then lost	#76-1445(RC);
To all items when some amended & all discussed at informal conf. & NOC timely as to amended	#78-1834;
When waived	#12699(RC);15761(RC);76-3670; 77-3267;Atlantic Marine
Transmit to RC within 7 days (Prompt)	#1003;1551;
Prejudice must be shown for failure to	#6954;
SOL should be given opportunity to explain	#1625(RC);1767(RC);
15 days not	#1625;

NOTICE OF CONTEST (Cont.)

Untimely	#80-3845;80-6988;
Due to internal mgmt. disorganization	#79-699;
Excusable under FRCP 60(b)	#80-1920(RC);
Waived by SOL deception or failure to follow proper procedure	#11864(RC);77-520;77-3020(RC); 77-3772(RC);80-1340(RC);80-5575S;
RC, no jurisdiction	#80-1345(RC);
R's misunderstanding	#79-2214;
SOL's deception	
Contra	#81-22;
Vacation of	#79-1925;
Form	#729;1057;
Violation only	
Also raises abatement	#2019(RC);
Includes penalty	#4681(RC);6120;
Penalty inferentially in issue	#2354(RC);
Penalty not in issue	#2999;
Waived if SOL does not fully advise	Atlantic Marine;
What is	#1589(RC);1942;2017;
Liberally construed	#2019(RC);
Withdrawal	#80-2431;
Does not divest RC of jurisdiction	#8;58;
Notice	#647;2547;
Not on union if not party	#1902(RC);

NOTICE OF CONTEST (Cont.)
  Unecessary to find viol. by employer #78-4449;

  Written required #5749;7575;

NOTICE OF HAZARD
  Same as for recognized hazards #3694(RC);

NOTICE OF HEARING
  Must be served on employees #4958(RC);

NOTICE OF WITHDRAWAL OF CONTEST
  Does not divest RC of jurisdiction #8;58;

OBJECTIVES OF ACT #123;433;

OBSTRUCTION
  Curb not #5058;

OFFER OF PROOF (See EVIDENCE; PROOF OF CASE)

OFFICIAL NOTICE #354;
  Airborne lead in suff. quantity causes serious harm #2311(RC);
  ANSI #76-119(RC);
  COM #370(RC);
  Commerce #3701(RC);
  Decision in other case #7413;
  Discretionary #354(RC);
  Eye is delicate #76-2326(RC);
  Facts in previous case of same employer #15538(RC);
  Federal Register #1134(RC);
  Fire results in serious injury #76-1036(RC);
  Gasoline by smell #5008;
  Gasoline qualities #4415(RC);5008;
  Height of man #15004;
  Insulated gloves might prevent death #13535(RC);

OFFICIAL NOTICE (Cont.)	
More expansive than judicial notice	#2311(RC);
NIOSH Criteria Document	#10925(RC);78-726;
OSHA Program Directive	#15631(RC);
Penalty uniformity in COM	#123;
Preamble to published standards	#78-1923;
Probability of injury	#1;
Respondent's size	#38;
Serious injury	#78-2818;
Shocks from electric switch	#14173(RC);
Standards	#79-989;
Technical publication's	#3528(RC);
Toxic substance list	#14910(RC);
Transcript in another case	#7413;15538(RC);
50' fall is serious	#79-989;
OPERATION	
Does not include infrequent, periodic maintenance	GE;
ORDER	
Cease and desist not proper	#4897(RC);12099(RC);13332(RC); 76-3743(RC);Atlantic & Gulf

ORDER (Cont.)	
Certifying record	#914;
Confirming decision made at trial	#6098;
Denying Freedom of Information motion	#440;
Denying request for reconsideration	#192;
Dismissing complaint	#458;
Does not vacate citation	#4217;4867;
SOL may then amend	#4217;
Final may not be amended	#549;
Granting withdrawal of NOC	#23;50;106;548;551;
Judge's to employees	#4897(RC);
Must reflect	
Amended citation, etc.	#812;
Citation changes in complaint	#739;
Noncompliance with final cannot be charged	#76-308
Protective re trade secrets	#4385(RC);
Restricting use of confidential data	#3230;
Stipulation incorporated in	#858;
To show cause	#1227;
OVERHEAD SPRINKLERS	
Insuff. no. in a room is isolated violation	#1941;

OWNER #1362;1373;

OXYGEN ENRICHED ATMOSPHERE
  Considered gaseous condition #1682;

PARTIES

Adding	#13084;
By amendment	#1988;14822(RC);
Identity of interests	#78-5954(RC);
Cannot charge employees	#12099(RC);13332(RC);
Corporation even if it lost its charter	#78-47(RC);
Dilatory tactics of	
May involve enforced settlement	Forteza;
Dissolution of joint venture does not make cit. moot	#13171;
Employees as	#12099(RC);13332
Ent. to meaningful participation	#78-127(RC);
Ent. to witness fees	#76-1056;
Ent. to contest de minimis	#76-1056;
Failure to appear (See)	#5150;
Individual cannot be named as d/b/a corporate entity	#4224(RC);
Contra	#78-47(RC);
Insurance carrier as	#2;
Misjoinder of	
Proper remedy	#14822(RC);
Misnomer, not fatal	#4626(RC);15009(RC); 78-47(RC);

PARTIES (Cont.)	
Officers & directors of corp. temp. dissolved	Life Science;
Participation in settlement	
Meaningful required	#78-3895(RC);
Respondent	
Failure to appear	#4299;
Stipulation	
Effect on employee rep.	#76-4056;
Trustee in bankruptcy	
Added by judge under FRCP 21	#13084;
Union	
In settlement where citation doesn't involve them	#76-4572(RC);
May not prosecute	#10340(RC);
Recess to see if it wants to intervene	#2960;
PARTNER NOT EMPLOYEE	BLS Bull. #14;
PARTY STATUS	
ALJ must inform others of election	#77-3915(RC);78-2551(RC);
Election by ltr. protesting action	#76-4761(RC);
Employees	#2547(RC);
Need not state they desire party status to gain	#77-3915(RC);
Of R's subs.	#78-127(RC);
Others must be informed of election	#76-4761(RC);78-2485(RC); 78-2551(RC);

PARTY STATUS (Cont.)	
Need not be elected to be conferred	#76-4761(RC);
Once elected must be permitted to participate in sett.	#77-3752(RC);77-3915(RC); 78-2600(RC);
PEDESTRIAN	
Not an employee to be protected	#247(RC);
PENALTY	
Abatement	
Not enough to remove	#1728;
Prior to RC decision	#667;
Prompt not reason for reducing	#261(RC);
Reduction for may be repugnant	#1759(RC);
Adjustment	
Increase	#690(RC);779(RC);1265 (RC);5782(RC);487 F.2d 438;
Aggregate only and no separate for each violation	#4314;
Agreed to by parties	#76-1796(RC);
Always in issue	#370;456(RC);2354;
Appropriateness of	#48;93;573;667;1871;2343;80-4227B; 80-6622; 81-493B;
Evidence re must be presented even if there is no contest	#370(RC);
Judge must independently arrive at	#48(RC);

PENALTY (Cont.)

Appropriateness of (Cont.)	
SOL must present evidence re	#4658;
Assessed even tho parties stipulated $0	#76-4056;
Assessment	
Exercise in discretionary power	#10309;78-4423(RC);
Assessment worksheet	
Good faith	#1;1078;1306;1466;1598;1626;1627; 2113;
History	#1;1466;
Probability of disability	#1;1575;1833;
Severity of disability	#1;1516;
Size of business	#119;1735;
Attitude affecting	#78-672;
Bankruptcy not basis for vacating	#10111(RC);
Burden of establishing is fair	#4;667;
Introduction of worksheet not enough	#456(RC);
Cannot be stipulated	#837(RC);
Civil v. criminal	#3347;American Smelting & Ref.; Clarkson;Savina;
Remedial and does not violate due process	#471;5249;
Combining two violations	#1858;
Comparison with other cases	
Not done in ind. case	#1305;1874;

PENALTY (Cont.)

Computation of	#119;171(RC);401;
For failure to abate	#2114;
Constitutional (See Jury)	Irey;
Cost of correcting exceeded, penalty waived	#1715;
Criminal	#1504;3347;
Death as factor	#76-2643;
Dismissal of too harsh for SOL's failure to forward NOC	Echols;
Economic factors in	#123;881(RC);1250; 3288;13904;79-3040;
Electrical guarding	#1305(RC);
Employee exposure as determining factor	#5589(RC);
Equity not basis for eliminating	#1715(RC);
Evaluation of where no evidence re comp.	#1416;
Evidence re must be in record	#1416(RC);
Excessive	
Considering size and ability to pay	#2035;13904;
Lack of knowledge by R	#247;612;
Exemplary safety record	#78-3427;
Factors	#1(RC);4;6(RC);11;85(RC);90;91 (RC);123;401(RC);585(RC);3705; 4212;13282;76-88(RC);77-1542; 77-1609;80-4227B;

PENALTY (Cont.)	
Factors (Cont.)	
Exposure time	#9760;
Responsibility for violation as	#11503;
Weight to be given	#155;881(RC);2041;
Failure to	
Abate	#914;1698;7891;78-5126;
After good faith efforts to	#3167(RC);
Business closed	#445(RC);
Computation of days	#2102(RC);
Do not forgive minor	#406;
Due to act of God	#2343;
Due to carelessness	#791;2255;13719;
Due to misunderstanding	#791;883;2255;
Employee refusal to comply	#5594;
Factors to consider	#445(RC);5388;5998; 10705;
Gravity a factor	#445(RC);
Issue of violation considered	#5998;
Minimum daily - no auth. for	#445(RC);640(RC);5388;
Must be reasonably related to orig. penalty	#640(RC);

PENALTY (Cont.)

Failure to (Cont.)	
Abate (Cont.)	
Not harsh	#445;640;2217;
Proper to	Clarkson;
Cite previously	
Factor in	#2887;
Introduce evidence re	#4658;
Establish number of employees exposed	#78-2173;
Maintain injury log	#612;6818;
Appropriateness of	#612;881;1269;1883; 2185;3186;
Post citation	#1011;1078;1269;
Arbitrary	#3186;
Post notice	
Not if he didn't have form	#881;
Report accident	Sec. 8, Law;
None if G on notice	#650;
First visit policy	#1575;78-5992;
Flexible	
Intent of Congress	#93;777;
Formula for assessing	#4;11;58;145;250;80-4227B;
Too rigid	#3418;
Well designed to achieve equitable penalty	#123;
General duty violation [See Sec. 5(a)(1)]	

PENALTY (Cont.)

- Good faith #171(RC);520;1466;2041;2613;3288(RC);
  - Based on actions and not on view of Act #10095;
  - Elements of in repeat violation #16183(RC);
  - Offset by history #557(RC);
  - Plus low gravity = $0 #9480(RC);
  - Prompt abatement not factor in #2613;
  - Warrants $0 #7848;
- Gravity (See)
  - As principal factor #14;83;90;124(RC);171(RC);319;401(RC);406;702(RC);742;1151;1575;1623;1883;1960;80-6003;
  - Controlling factor #5421;
  - Elements of #171(RC);319;465(RC);919(RC);1345(RC);1623;9980;
    - Each factor not essential #2183;
  - Employer's employees only ones that determine #688;
  - Evidence #14;171;2865;
  - Exposure discussed in willful case #76-4719(RC);
  - Factors not equal #1040(RC);

PENALTY (Cont.)	
Gravity (Cont.)	
Guidelines re	
Appropriate	**#439;**
Harsh not contemplated on reinsp.	**#445;2052;2865;**
Hazard principal element in	**#741;1705;**
Low calls for low penalty	**#85(RC);354(RC);383(RC);434;479;1151;1296;1516;1575;1599;1607;1615;1833;1866;1895;2041;2222;77-218;77-2663;**
Increased	**#6(RC);11;14(RC);33(RC);91;124;221(RC);690(RC);789(RC);832;1035;1040(RC);1205;1265;1345;1541;1759;1871(RC);2197;3427(RC);4237;13591(RC);15538(RC);76-256(RC);76-596(RC);77-617(RC);77-1811(RC);77-3041(RC);79-1209;80-1224(RC);80-1636;REA;Clarkson;Long;**
Based on lack of good faith	**#4136(RC);76-2339(RC);76-4219(RC);80-520;**
Contrary to Constitution	**#690(RC-Dis);5727;**
Even tho stipulated lower by parties	**#1759(RC);**
Failure to abate	**#79-6732;**
Judge authority to	**#690(RC);6790(RC);14315(RC);Calif. Stevedoring;REA;Interstate Glass;**
Maximum	**#13720(RC);**
Not if gravity low	**#2911(RC);**
Reasons for must be specified	**Sheehan;**

PENALTY (Cont.)

Increased	
Repeated	#78-5229;
Review Commission auth. to	#4237(RC);Madden;Sheehan;
Safety program absent	#80-4414;
History	
Congress intent by "past"	#410;642;
Factor in penalty (all relevant statutes)	#401;
Low rate in high rate industry is good record	#4;123;
Not restricted to under Act	#410;1321;
Official notice of prior violations	#983;
Only under the Act	#4314;
Prior inspection not basis for det. there is	#78-3568;
Prior violations	
Not if on appeal to court	#6759(RC);
Under earlier act	#401(RC);410;
Subsidiary corporation's not attributable to holding co.	#78-523;
Increased - RC may	#14315(RC);77-4458;Long
In issue if violation contested	#370(RC);689;1057;

PENALTY (Cont.)

Independent determination by RC	#1040(RC);1744;
Irritant	
Vacated	#60;
Joined	
For 3 items and 1 vacated by Judge	#694;2052;
Many items into 1 serious	#1191;
Judge	
May increase	#935;5782(RC);76-787(RC); 76-1518;Long;
Jury trial not required	Atlas;Beall;Irey;
Lack of uniformity as discrimination	#1833;
Limitation if 10 or less N/S does not preclude citation	#76-2992;
Low monetary	
Depends on gravity	#494;583;2041;
Do little to accomplish purpose of Act	#81;123;191;250;439;583;591;655; 689;779;1310;1612;1687;1705;2113; 2731;3812;13904;79-4887;
Contra (Interstate Glass, cf. 494;637;849;850;851;1310;1705)	#583;
Exception	#186;337;439;591;689;849;850;851; 881(RC);958;1364;1612;1687;2041; 2087;
Irritant only	#60;
No longer in business	#337;689;1255;
Respondent bankrupt	#1610;
Financially poor	#991;1306;2255;

PENALTY (Cont.)	
Low monetary (Cont.)	
Unless of high gravity	#591(RC);741;991;
Mandatory	
Serious	#258(RC);1255;
Marginal operation as factor	#1622;
Maximum	#33;2287;
May not be reduced by cost to R of accident	#1394(RC);
Means of regulation	Hutchison Bros.;
Minimal contrary to statute	#1578;
Minimum requirement is contrary to 17(j)	#2535;
Modification of	
Judge may even if stipulated to	#494(RC);
Minor	#123(RC);171(RC);1689;3976;
Multiple standards alleged but single factual situation	#4804(RC);
Need for is not a factor	#1341(RC);
Net profits as guide	#3713;
Nonserious (not required)	#1;2041;
Discretionary	#258(RC);
Of grave nature need to be increased	#90;

PENALTY (Cont.)

Nonserious (Cont.)	
Point system used	#2052;
Not a fine	#3688;Atlas;
Not if it puts R out of business	#5755;
Not imposed if serves no useful purpose	#13141;
Notice of contest to also raises violation	#1364;7413(RC);
Inferentially	#2354(RC);
Notification of	
Date unclear	#2019(RC);
Number of factors must be considered	#1341(RC);
Number of violations as factor	#1830;
Once assessed rebuttal presumption that 17(j) criteria considered	#370(RC);
Only if R knew of violation	Todd II
Other R cited for same violation is a factor	#13410(RC);
Paid in installments	#1563;
Parties cannot stipulate appropriateness of	#370(RC);
However RC will accept if no one objects a penalty not repugnant	#370(RC);15908(RC);
Posting penalty must be flexible	#2091;
Principal factor	#1;

PENALTY (Cont.)

Proposed	
Advisory only	#702(RC);4448;
Purpose	
Of first instance	#1705;
To secure compliance and not impoverish small business	#1646(RC);
Reasonableness of	#1705;
$1.00 is	#13410(RC);
Recognized hazard required	CTM;
Recordkeeping	#1001;
Reduced from $100 - 17(j) must be applied	#1269;1886;3090;3186;
Reduced	
Factors for	#1191;2246;4212;76-4429; 76-5049(RC);78-4423(RC);79-3163; 80-4227B;80-7175S; 81-231;
Abatement	#78-2119(RC);79-4090;80-5474;
All considered	#76-592(RC);76-900(RC);76-1567 (RC);76-3105(RC);76-3444(RC); 77-1756;77-3021(RC);78-5328; 79-731;79-898;79-2288;79-3438; 79-4038;79-4230;79-4787;79-5737; 79-6442;80-1526;80-2267;80-2760; 80-3109;80-3265;80-5271;80-5455; 80-6601; 80-6646;80-6678;81-264; 81-501; 81-1227;

PENALTY (Cont.)	
Reduced (Cont.)	
Factors for (Cont.)	
Allegation(s) not proved	#76-20(RC);76-530(RC); 76-1656(RC); 76-2332(RC);76-4807(RC);77-3014; 77-3031;77-4234(RC);78-1202;78-1710; 78-2163;78-2462(RC);78-3133; 78-4473;78-5010;78-5845;78-6102; 79-538;79-692;79-1420;79-1544; 79-1588;79-1615;79-2215;79-2519; 79-2548;79-2658;79-2780; 79-2899;79-3431;79-3683;79-4021; 79-4143;79-4194;79-4262;79-4335; 79-4449;79-4546;79-4707;79-4709; 79-4830;79-4838;79-5033;79-5278; 79-5493;79-5521;79-5573;79-5715; 79-5763;79-5933;79-6090;79-6331; 79-6494;79-6611;79-6736;79-6783; 79-7126;79-7165;80-146;80-151; 80-268;80-658;80-914;80-1609; 80-1759;80-2075;80-2273; 80-2387;80-2584S;80-2591; 80-2809S;80-2843;80-3295; 80-3320;80-3462;80-3921; 80-4245; 80-4305;80-5537;80-6044; 80-6687;80-6960;80-7276S; 81-218;81-694;81-954S;81-1524; 81-1530;81-1907;
Charges redundant	#80-927;
Exposure	#16235(RC);76-4627(RC);79-2408; 79-2735;79-2969;79-4712;79-4754; 79-5270;79-5546;80-4345;80-6737;
Financial impact	#7775;8118;79-3778;79-6974; 80-4398;

PENALTY (Cont.)
  Reduced (Cont.)
    Factors for (Cont.)

Gravity	#11864(RC);15314(RC);76-910(RC);76-1930;76-2349(RC);76-2617(RC);76-2623(RC);76-4271(RC);76-4371(RC);76-4988;76-5363(RC);77-671;77-1081(RC);77-2922;77-3575-A(RC);77-2848;77-3645;77-3652;78-332;78-797;78-1351(RC);78-1681;78-2894;78-5270;79-569;79-1263;79-1380;79-2205;79-2256;79-2270;79-2379;79-2531;79-2813;79-3009;79-3060;79-3167;79-3189;79-3231;79-3320;79-3817;79-3943;79-4435;79-4517;79-4543;79-4588;79-4603;79-4850;79-4887;79-5025;79-5073;79-5553;79-5676;79-5785;79-6048;79-6223;79-6247;79-6366;79-6583;79-6674;79-6907;80-385;80-933;80-1049;80-1509-S;80-1644;80-1745;80-1880;80-2850;80-3063;79-6635;80-2087;80-4193S;80-2378;79-5420;78-31(RC);79-7127;79-4005;80-4979;79-6649;80-4128;15690(RC);79-69(RC);80-3102;80-4492;80-3808S;80-2571;80-5724;80-6482;80-219;80-6325;80-3708;80-2562;79-6938;80-5309;80-4777B;80-7081;80-6003 80-4029;81-226;78-2041(RC);79-2249;80-1943;80-2974;80-4256;80-5153;80-7045;81-614; 76-647(RC);80-888;80-2767;80-2983;80-2984;81-1378;
Good faith	#16188(RC);76-3980(RC);77-555;77-2100(RC);78-29(RC);78-1803(RC);79-199;79-2080;79-2984;79-4462;79-4505;79-4979;79-5201;80-3455;80-4711;80-5498;80-5889;80-6490; 81-407;81-805;
Good faith and minimal exposure	#9739(RC);79-372;79-2928;79-2940;79-3032;79-3040;79-6671;79-7060;80-473;80-2532;

PENALTY (Cont.)
  Reduced (Cont.)
    Factors for (Cont.)

Good faith and safety program	#76-891(RC);76-3743(RC); 78-2125(RC);79-2571; 80-2297; 80-4245;80-7375; 81-1375;
Good faith and small co.	#79-5655;
Minimal penalty	#81-529;
No prior violations	#76-4754(RC);77-2735;78-4204; 79-1575;79-1630;79-2307;79-3669; 79-4909;79-6145;79-6383;79-6493; 80-568;80-1229;80-3694;80-5088S;
Out of business	#4360;79-4591;
Safety record	#1657;79-1008;79-1214;79-1360; 79-2176;79-2209;79-6180;80-234; 80-273;80-1041;81-351;
Size, small	#2611;3701(RC);76-1803(RC); 76-2677(RC);77-3372(RC);78-5975; 79-1081;79-2586;79-4324;79-4599; 79-4878;79-5358;80-2289;
Vagueness of standard	#80-4810;
Citation sub items not considered	#13401(RC);
Willful to repeat	#80-1268;
None in non-continuing violation	#91(RC);520;1292;
Regulatory and not punitive	Beall;

PENALTY (Cont.)

Repeated violation	
Factors in	#76-2326(RC);
Decreased	#77-2848;
Increased	#78-5229;
More serious penalty than only serious	#78-2525;
Section 17(k) must be considered	#2739;3975;
Respondent no longer in business	#689;1255;
Respondent not resp. for as factor	#3713;
Respondent's poor financial condition	#16310;
Review Commission	
May accept if parties stipulate to it	#2913(RC);
May increase	#609(RC);675(RC);1040(RC); 1681(RC);1759(RC);Calif;Clarkson; Long Mfg. Co.,;
May not increase	Madden;
Sole authority to assess.	#354(RC);370;491;702(RC);801(RC); 983;1256;2524;4044;4448;12411(RC); 80-6661B;Interstate
However SOL may compromise	Madden;
Will not go behind stipulated if not repugnant to Act	#1759(RC);

PENALTY (Cont.)

Safety record	#4;398;2113;78-4952;
Section 17(j) criteria must be heard	#837(RC);
Requires $1	#1315(RC);
Serious (Required)	#1;3162(RC);80-4227B;
Appropriateness of	#4;777;1375;1541;1715;1750;2035; 3946;
Criteria	#1320;
Lacks flexibility	#1715;
Single for multiple violations	#2887;80-927;80-7081;
Size of business as factor	#98;119(RC);Desarrolos;
Employees on job as basis	#471;674;688;2246;
Contra	#119(RC);15538(RC);
Equated with ability to pay	#11048;
Evidence doesn't establish	#1886;
Small business with little likelihood of injury	#14414(RC);
Small income a factor	#77-4019;
Small minority business	#1735;
Small % of employee exposed with little likelihood of injury none app.	#13021(RC);
SOL's formula arbitrary	#1722;
SOL's only advisory in contested case	#1265(RC);
Standards for	#1;

PENALTY (Cont.)

State penalty not offset	#2014;
Stipulation re doesn't change RC obligation	#370;777;16183(RC);
RC may accept if record supports	#1446(RC);
RC will accept if no employee objects	#76-702(RC);
RC will accept if not repugnant to Act	#1759(RC);
Suspension for good behavior	#11;
Disapproved	#442;
Suspension for specific period	#442(RC);
Inappropriate in usual case	#442(RC);
Technical	#2222;
Failure to keep form	#78-3532;
Unguarded grinding wheel not $0	#637(RC);
Uniform	#439;79-1381;
Vacated	
Abated	#1728;1735;2613;79-4427;80-785;
Because Secretary only submitted penalty worksheets	#667;
De minimus	#79-1817;78-187(RC);80-2952;
Employee violated work rules	#594;80-1025;
Failure to consider gravity [Sec. 17(j)]	#1883;
Low gravity	#1960;76-787(RC);

PENALTY (Cont.)
  Vacated (Cont.)
    Minor (See)

Misunderstanding	**#791;14484;**
No violation proven	**#15037(RC);15350(RC);77-983;77-2014;77-3543;77-3646;77-3878;78-1339;78-1877;78-2589;78-327;78-4065;78-5523;78-5927;79-914;79-915;79-1021;79-1173;79-1176;79-1235;79-1339;79-1424;79-1554;79-1585;79-1656;79-1685;79-1719;79-1723;79-2053;79-2452;79-2779;79-2973;79-3179;79-3304;79-3368;79-3370;79-3392;79-3394;79-3515;79-3624;79-3667;79-3951;79-4150;79-4161;79-4222;79-4300;79-4336;79-4360;79-4424;79-5002;79-5117;79-5235;79-5413;79-5507;79-5519;79-5539;79-5707;79-5751;79-5940(RC);79-6083;79-6433;79-6558;79-6604;79-6614;79-7185;79-6896;80-576;80-911;80-1372;80-1420;80-1552;80-1740-S;80-1987-S;80-2261-S;80-2492;80-2849;80-3115;80-3473;80-3733;80-4976;80-2911;78-3766;78-4862(RC);80-3407;80-4844;80-5556;76-4398(RC);80-1783;78-5920(RC);79-4612;80-3494;80-3798;80-5288S;80-3798;79-4733;80-3052;80-5999;79-5070;80-3597;80-4228;80-2717;79-7156;80-5399;80-6785;79-4549;80-6003;80-2771;80-6793;80-4157;81-217;80-1436;80-7356;80-2474;80-5810;80-6182;80-7116;77-383(RC);78-2316;78-2879(RC);80-175;80-671;80-4340;80-6712;76-2802(RC);76-4153(RC);77-2039(RC);77-3285(RC);78-5956(RC);79-234(RC);79-746(RC);80-5714;80-6015;80-6680;80-6924;81-206;81-560;81-920;81-1272;81-2000;81-2102;**
R no longer employer	**#1225;**
Sec. 17(j)	**#12883(RC);**

PENALTY (Cont.)	
Vacation of for good faith, etc.	#63;655;779;958;1151;1367;1728; 2041;2133;
Violation	
Considered even if final	#5220;
Due to lack of knowledge	#76-322;
Of 1903.2, 16 and 1904.5, 8	#937;
Reduced from serious to nonserious	#1603;
Where R requested inspection	#77-1519;
Willful violation	
Computation of	#701;919(RC);1409;3197;77-387;
Punitive aspect of	Irey;
Working in strange worksite	#76-322;
Zero is a penalty	#211(RC);370(RC);
PERFORMANCE	
Impossibility	#703;
PERIMETER GUARDING	#12525(RC);
Absence of establishes viol. regardless of stage of const.	#7247(RC);
Safety belts in lieu	#657;
Scaffold brace as	#3713;
1926.500 not applicable to steel erection stage	#7247(RC);

PETITION FOR DISCRETIONARY REVIEW	
Good cause required	#79-3136(RC);
Issues raised by	
Petitioner must brief	#2516(RC);
Must be based on objection made to Judge	#10111(RC);80-2618(RC);
PETITION TO INTERVENE	#77-3050;
Denial of	
Form	#899;
PETITION TO MODIFY ABATEMENT	
Abatement prior to hearing	#78-3778P;
After abatement specified in earlier ALJ decision expires	#10P;
Ambiguous must be referred to RC	#76-4719(RC);77-1493(RC);
Defective	#80-5613P;
Distinguished from NOC to reasonableness of abatement	#76-4719(RC);
Does not tell current abate. requirement	#80-6199P;
Employees must have notice of	#78-4409P(RC);
Even if filed w/i 15 day period for NOC	#76-4719(RC);
Future abatement date past and issue moot	#7885P;79-5910P;80-5613P;
Good faith shown in dust control violation	#79-839P;
Noise - granted	#78-4389P;78-5157P;78-5437;

PETITION TO MODIFY ABATEMENT (Cont.)	
Notice of contest to abatement is PMA	#76-4719(RC);
Only relief is denial or extension	#9438P(RC);
RC has jurisdiction	#1210;
R can file for after RC decision final	#2786(RC);
PHOTOGRAPHS	
Inconclusive leaves burden on G	#1229;
Slides	
Photos substituted	#3853;
Prior to presenting credentials	#4012;
PLACE OF EMPLOYMENT	
Broadly construed	#639;
Discussion of	#3694;7673(RC);
PLATFORM	
Defined	#258;396(RC);2739;5210(RC); 15350(RC);76-2879(RC);79-5002; GE
Discussed	#79-933;
Maintenance area is	#11344(RC);
Presence of ladder does not create inference is	#1231(RC);
Storage area as	#79-933;
Top of elevator not	#13140(RC);

PLATFORM (Cont.)	
Top of turbine not	#76-2879(RC);
Work product not	#5210(RC);
PLATFORM RAILING	
Defined	#367;
Meat processing plant re variance	#508;
PLEADINGS	
Alternative (See Citation)	#161(RC);2805;6764;6969;6972;8842;
Permitted, if no prejudice	#3502;5324(RC);79-557;
Permitted, at end of trial if fully tried	#16140(RC);
5(a)(1) or 1910.22(a)(1)	#78-6177;
Amendment of (See AMENDMENT)	
Answer is first responsive (But see dissent)	#14315(RC);
Conform to evidence	
Both parties must agree to	#3502;
Exposure need not be pleaded	#15598(RC);
Failure to file timely	#13659;
Item in citation not included is abandoned	#694;
Liberally construed	#810(RC);16235(RC);79-2969;Nat. Realty;GE;
Nolo contendere	#214;

PLEADINGS (Cont.)	
OSHA better straighten up	Ringland-Johnson;
Pro se's liberally construed	#6031(RC);79-2531;
RC's are notice pleadings and only require fair notice	#11865;
Without prejudice	
Dismissal is unless it states otherwise	#78-5704;
POINT OF OPERATION	#81-671;
Automatic inspection point not	#78-4873;
Clamp type machine	#5241(RC);
Definition	#16188(RC); 76-647(RC);
POLICY	
Re penalty on first visit	#1575;
Re withdrawal	#106;
PORTABLE LADDER	
Imposes greater duty on mgmt.	#90;
PORTABLE TOOLS	
Must be secured at all times	#90;
Down for repair not basis for citation	#298;433;
Grounding of	
Adaptor supplied	#298;
POSTING	
Adequate notice of if employees don't have status	#5430(RC);

POSTING (Cont.)	
At permanent office	#10556;
Away from work site	#5816;80-2952;
Citation	#725;2091;
Penalty for not	#2007;2091;
Establishment defined	#80-1987S
Extenuating circumstances re not	#10920;
Government must furnish poster, even tho R aware he must post	#4220;
Inside brief case not	#11050;
Inside lid of tool in	#10556;
Motion to vacate must be	#4793(RC);
Motion to dismiss must be	#12667;
Multiple worksites	#80-1987S
Notice of contest	#79-454(RC);
Poster	
At home site of employees	#2007;80-7048;
Establishments	#80-1636;
Must be in a place where all employees likely to see	#13084;
Only to extent furnished	#237;398(RC);1004;1097(RC);9342; 79-3685;

POSTING (Cont.)	
Poster (Cont.)	
Penalty assessment for	#1589;
Prima facie violation	#80-7140S;
R may not raise issue re	#12831(RC);
Requirement	Sec. 8(c),Law;#2007;
Settlement agreement must be	#4323(RC);
Settlement agreement where employees represented	#6112(RC);
Summary of injuries, etc.	
Penalty for not	#2091;
Not required	#2571(RC);
Unused worksite	#678;
Violation	
Penalty must be assessed	#4049(RC);
PRECEDENT	
ALJ decision as	#1373(RC-Dis);
Circuit Court decision as	#1681(RC);1690(RC);2295(RC);
Not if RC does not accept	#13853;
Only in own circuit	#12775(RC);
PRE-HEARING	
Conference	
Disposing of issues	#6554;
Parties should stipulate facts	#239(RC);

PRE-HEARING (Cont.)	
Order	
Acceptance of binding	#4264;
Failure of party to comply with	#2630;12713(RC);78-5034(RC);
May invoke sanctions	Forteza;
SOL failure to list CO	
R not prejudiced	#12831(RC);
Witness list	#80-999(RC);
Those not listed excluded	#4533(RC);
PREJUDICE	
Creation of labor-mgmt. problems not	#76-3241(RC);
Element of	Cornell;
Must relate to defense	#76-3241(RC);
PRE-TRIAL INSTRUCTIONS	
Failure to fully respond to	#5104;
PRE-TRIAL ORDER (See Judge)	
PRIME CONTRACTOR (Also see Employer)	
Not exposed to subs violations	#3301(RC);
Not responsible for subcontractor	#69(RC);142;413;597(RC);810;949; 1375;1615;
Contra	#504(RC);12775(RC); 81-1366(RC);
Elements to make him resp.	#621(RC);810;1949(RC);Knutson;
Privilege - documents	#1343;

PRIVILEGE COMMUNICATION	
Attorney-Client Elements of	#5873(RC); #10833(RC);
Photographs by R not	#10833(RC);
PROGRAM DIRECTIVE	
As authority	#9994;
Cannot modify standard	#1906;77-2876;
Not binding on RC	#78-414;
200-15A Unlawful	#5355;
PROMPTNESS (See same heading under Citation)	
PROOF OF CASE (See OFFER OF PROOF and EVIDENCE)	
By facts and not assumptions	#412;801(RC);
Employee exposure	#4356;
May not reopen closed hearing to est.	#25(RC);(Rev. on Appeal);
Must show employee is R's	#4808;
Offer of proof, Judge must allow	#4533(RC);
Prior viol.	#78-1080;
PROOF OF FACTS (See Burden of Proof)	
Elements for prime to be liable for sub.	#810;

PROOF OF FACTS (See Burden of Proof) (Cont.)	
Failure of by G	#262;
Crane within 10' of power line Even tho employee burned by elec.	#13057;
Where CO is poor witness	#137;
Must be clear and convincing	#412; 80-6924;
Not need if complaint withdrawn	#192;193;
Violation established on different date	#158;
PRO SE	
Not bound by concession of violation where did not make informed choice	#15858;
PROTECTION	
Must be achievable	Empire;
PROTECTIVE CLOTHING AND EQUIPMENT	
Alternative pleading in perimeter guarding case	#10411(RC);
Apron	#6499(RC);
Discussed	#1541(RC);
Dynamite plant	#3818;
Employer must enforce wearing of	#624;2931(RC);79-2899;
Employer obligation to require use	Gen. Elec.;
Employer not required to furnish under 1910.132	#199(RC);76-6736;Budd;

PROTECTIVE CLOTHING AND EQUIPMENT (Cont.)

Eye	
Potential injury	#80-6325;
Safety glasses not prot. against welding glare	#10920;
Soldering	#80-4157;
When side shields required	#302(RC);8274(RC);
Face mask	#81-239;
Over beard	#77-2235;
Failure to furnish	#28;195;266;76-1053(RC);
Failure to use	#76-1053(RC);
Isolated event	#12696(RC);
Feasibility of using burden is on R	#15855(RC);79-5201;
Floatation devices	#78-6265(RC);
Hardhats	#259;2818;13591(RC);13874(RC); 16200(RC);79-5553;79-6049; 80-4844;
Must be hazard of falling or flying objects	#1096;79-2753;
Plastic bump helmets not	#1516;
Use must be required	#78-2881;
Helmet accessories	
What are	#4445;
Inappropriate	
Rebuts prima facie case	#16235(RC);

PROTECTIVE CLOTHING AND EQUIPMENT (Cont.)

Knowledge within industry of req. for	#676(RC);1541(RC);
Lifeline not included under 1910.132	#1113;
Lifeline not required on flat roof	#1382;
Mere furnishing not enough	#687;79-2658;80-5205;
Mesh apron	#6499(RC);7207(RC);
Mesh gloves	
In retail establishment	#703(RC);7031(RC);7111(RC);7533 (RC);8220(RC);10661(RC);10667(RC); 11018;12270;
In slaughterhouse	#450;
Need for must be est.	#78-139;79-6145;
Not worn but cited as not provided	#1871;
Only after Eng. & Adm. fail in 1910.93	#722(RC);
Only needs to be conveniently available	#258;302(RC);
Only required if industry requires	B&B
Ordinary industrial clothing as	#1487;
Provided	
But not used by employees	278 Atl. 2d 381;#111;158;237;258; 676;914;6644;
Defined	#199;215(RC);

PROTECTIVE CLOTHING AND EQUIPMENT (Cont.)

Prudent man test determines need for	#6083;
Read in light of forseeability	#76-4636;
Reasonable man test determines need	#14291(RC);16067(RC);76-1053(RC); 76-2760(RC);79-6736;80-3295; 80-4561;80-5271S;80-6737; 81-1015;B&B;
Industry practice effect	#78-6247(RC);
Refusal to wear	#703;5594;
Required if reasonable man would use	B&B
Respiratory program	#79-6366;
Safety harness	
On flat roof	#76-1918;
Responsibility on both employer and employee	#777;
Shield	
Does not include tire cage	#2423;
Shoes	#3664(RC);79-407;80-7351S; Am. Airlines;McLean Trucking;Ryder;
Caps satisfy 1910.132	#76-1108;
Freight handlers need	McLean;Ryder;
Greater hazard	#80-3652;
No injury shown, hazard not est.	#793(RC);
Type intended	#195;215;793;1085;79-6035

PROTECTIVE CLOTHING AND EQUIPMENT (Cont.)	
Vague standard	#79(RC-Dis);
Not so	Ryder Truck;
Reasonable man test	Cape & Vineyard;Ryder;
Warehousemen need	#76-3857(RC);
What a reasonable man would deem sufficient	Am. Airlines;
Protective Order - Privacy Rights	#77-4297(RC);
PROTECTIVE ORDER FOR TRADE SECRET	
Elements of	#77-648(RC);77-3861(RC);
When it will be issued	#77-648(RC);80-3866;
PUBLIC INTEREST	#76-662(RC);76-5052;77-643(RC); 77-2235(RC);77-3491(RC); 77-3893(RC); 78-1361(RC); 78-4195(RC);
PURPOSE OF ACT	#79-5762(RC);
Best accomplished by vol. compliance	#1(RC);756(RC);
Correction before injury	#43;
Minor penalties do little to eff. Act	#123;
Not to determine employer's liability for death	#184;
Principal	#123;612;
Protect employees only	#1008;
Who provides	#195;215;391(RC on motion);

RAILING	
Rope not	#6495;
REASONABLE EMPLOYER TEST	
Established by actual custom & practice in that ind.	Power;
REASONABLE PROMPTNESS (See Citation)	
REASONABLY PRUDENT MAN	
Established by industrial custom and practice	B&B
Broader than above	#80-4561;Bristol;
Test applies to general duty (5(a)(1)) & various standards	Bristol;
REASSIGNMENT OF CASE ON DEATH OF ALJ	
Procedure	#76-3064;
RECONSIDERATION (Also see REINSTATEMENT)	#454(RC);723(RC);1070 (RC);1420(RC);
RECORD (See Transcript)	
RECORDKEEPING	
Any reasonable alternative form will suffice	#1097(RC);
DOL does not have to furnish specific form	#1097(RC);
General	#76-5033(RC);Sec. 8(c), Law;
Info. avail. but not on form	#3090;
Not excluded by Sec. 4(b)(1) exemption	#837(RC);
Not required until accident requires	#298;
To keep empty log	#146;
Penalty for	
Sec. 17(j) must be applied	#3090;

RECORDKEEPING (Cont.)	
Respondent cannot delegate away	#258;
Required on each workplace	#612;
REGULATIONS	
Arbitrariness	
Not if it serves administrative convenience	Desarrolos;
Construction of	#657;922;945;1416;1761;
Interpretation	#247;507;525;
Vague etc.	#2128;
Invalid	#1572;1833;
Need only approximate result of case by case adjudication	Desarrolos;
Violation of own by SOL regs. prej. to R	#77-1999;
REINSPECTION	
Within 15-day period to contest	Kesler;Haybuster;
REINSTATEMENT	#5422(RC);5423(RC);6031(RC);
After dismissal (30 days ran)	#1468;15074(RC);
Liberally granted	#13659;
Dismissal by Court of Appeals of Judge's decision	#1468(RC);
For good cause	#79-2283(RC);
REMAND	
Hearing on limited to issues stated by RC	#9627(RC);Atlantic Marine; Fieldcrest
Parties agree to	#80-6256(RC);

RENTAL SPACE	
Employer liable	#961;
Equipment	
Defect in	#1207;
"REPEATED" (See Violation)	
REPORT OF ACCIDENT	
Failure to	
Not violation if G aware of acc.	#650;
Workers compensation reports not	#80-3225;
REPORT OF FATALITY	
Not required if G aware	#650;
REPRESENTATION	
Non-attorney may be	#76-4063(RC);
R's insurer may not unless designated	#2;
REPRESENTATIVE OF THE EMPLOYER	
Defined	#79-132;
RES IPSA LOQUITOR	
Not applicable to OSHA	#1363;77-834;
RES JUDICATA (See COLLATERAL ESTOPPEL)	
Discussed	#245(RC);587(RC);1539;2200(RC); 2873(RC);5079;7855(RC);13417; 77-3949;78-238
Does not apply to PMA - can show no viol.	#603(RC);900(RC);
Requires final decision	#8859;
Same R and issue as prev. case (jurisdiction)	#77-3949;79-2380(RC);
But union party in 2d case	#76-4388;

RESERVED TITLES IN STANDARDS	
Do not create exemption	#1416(RC);
RESPIRATOR	#13102(RC); 77-1334(RC);77-3041(RC); 79-3009;80-927;80-1943;80-4340; 81-407;
Temporary protection only	#10;2276;2279;77-2545;80-4398;
Toxic gases	#78-2426
Types	#79-6221;
RESPONDENT	
Bankrupt	
Wants to drop case	#76-2576;
Corporation	
Duty to advise employees re safety	#9107;
Identify may be disregarded to effectuate legislative purpose	#2279(RC);
Corporate officers	#14910(RC)
Corporate subsidiary treated as sep. R	#849;
Correcting corporate name in record	#1871;
Failure to appear at hearing (See Failure to Appear)	
Joint venture (See)	#1988;
Piercing corporate veil to determine	#3776(RC);
Right under State law not det. by RC	#184;
Subsidiary as separate R	#849;

RESPONDENT (Cont.)	
Waiver of rights	#1016;
RESPONSIBILITY OF EMPLOYER (See EMPLOYER and VIOLATION, Responsibility)	
REVIEW	
Basis for	#4845(RC);
50-day rule	#6804(RC);
Direction for	#494;
Vacated	#4845(RC);13693(RC);13749(RC);
REVIEW COMMISSION (RC)	
Affirm without review	#78-3006(RC);
Adjudication by (See Decision)	
Court set aside if arbitrary, capricious, etc.	Hanovia;
Final	Fiegen;
Adjudicatory body	#3948;14774;
Administrative agency with expertise	#10825(RC);
Agency within 10(c) of Act	#2687;
Appeal from	
CA may not sub. its judgement for	RMI;
Scope of review	RMI;
Authority over abatement	
May shorten or lengthen	Int. Union.;
Authority to	
Affirm ALJ, not by 1 to 1 split	Shaw;Cox;Willamette;

REVIEW COMMISSION (Cont.)

Authority to (Cont.)

Cannot substitute its knowledge for industry practice	B&B
Consider all issues after NOC	#1760;
Consider issue not considered by Judge	#1060(RC);
Consider validity of standard	#345(RC);676;1410;2975;5958(RC); 6742;76-256(RC);79-2220;
Consider violation if NOC to penalty only	#25;2354(RC);3375;
Constitutional applicability may be determined	#1053;
Court	
RC is not	#3367(RC);
Determine if standard properly issued	#1572;
Discretion to draw inference from record	
CA will not upset RC det. re	Nat. Steel;
FoF conclusive where evidence supports	B&B
Increase severity of violation	#5727;
Interpret standard	#195;295;
Entitled to deference	International Union;Knutson;
Modify abatement where no NOC	#1210;4514(RC);
Reject ALJ credibility finding	
Must give reasons	Gen. Dynamics;

REVIEW COMMISSION (Cont.)

Authority to (Cont.)	
Review any issue, once review directed	Calif. Stevedore;
Set penalties	#1;Interstate Glass;
Suppress evidence after warrant	Quality Products (CCH 23,328);
Upgrade penalty	#43;221;266;
Cannot add facts not in record	#456(RC);
Cannot substitute its knowledge for industry practice	B&B;
Commencement of time for review	#6804;12573(RC);
Comp. of time to direct for review	#494(RC);
Contempt powers	#2314;
Court of Appeals	
Decision not binding on	#8468(RC);15855(RC);
Not party before	Cooney;
Court will defer to expertise of	Lee Way;Southern RR;
Court will uphold if substantial evidence supports	Horne;
Credibility determination by judge will not be disturbed	#3460(RC);14899(RC);76-191(RC); 76-192(RC);76-5007(RC);
De Novo review	Interstate Glass;

REVIEW COMMISSION (Cont.)

Dec. does not est. liab. under state law	#184;
Dec. on 5(a)(1) not precedent for standard	#237(RC-dis);
Direction for review	#76-2894(RC);79-3136(RC);
No issue indicated	#77-4333;78-611(RC);
Once directed only majority can act	#370(RC);
Vacated	#78-741(RC);
Establish policy	
Only incidentally	Madden;
Fact findings	
Commission will not disturb those by judge	#3460(RC);14188(RC);
Commission ultimately responsible	#76-2623(RC);
Conclusive where evid. supports	B&B;
Same deference by court as to NLRB	Hanovia;
Findings accepted unless w/o sub. basis in fact	#3460(RC);Republic Cresoting;
Function of	#221(RC);
Interpretation re meaning of Act by	Republic Cresoting; #4264;
Deference accorded	Western Elec.;Diebold; RMI;
Issues raised before must be disposed of	Hanovia;
Judge's dec. based on credibility will not be distrubed	#642(RC);

REVIEW COMMISSION (Cont.)

Jurisdiction	
Begins with date of receipt of Judge's decision	#722(RC);
Evidence re validity of warrant taken by	Savini;
Invoked by NOC	#14822(RC);
Late filing	#80-1920(RC);
Judge retains during 20 day period	#9561(RC);
NOC invokes, not citation	#14822(RC);
Over final order	#79-2380(RC);
Over rule making by SOL	#2375;2975;
Over settlement agreement	#78-1708(RC);
Over validity of standard	#3973(RC);
To consider applicability of standard	#1410;
To reopen 30 days after dismissal	#1468;2309;Otinger; #5422(RC);6031(RC);
Under remand order	#77-1894(RC);
Labor Dept. det. not binding on	#10825(RC);
Lacks auth. to rule on non-contested item	#946(RC);
Legal basis for violation may be changed by	Gen. Dynamics;
May correct erroneous application of law any time	#1060(RC);

REVIEW COMMISSION (Cont.)

May consider its own final decisions	#6031(RC);
No review if parties show no interest	#6195(RC);
Not limited to issues on which submission invited	Accu-Namics;
Other appropriate relief	#2739(RC);
Parties do not petition, RC will not take	#6195(RC);
Party in court	Gilles & Cotting;
Penalty det. by are de novo and may increase proposed	Calif. Stevedore;Interstate;
Penalty may be assessed by even though Judge dismissed complaint	Accu-Namics;
Power to order abatement at other worksite	#2739(RC);
Precedents prevail unless Supreme Court reverses	#15450(RC);
Presumed to have technical expertise and experience	Republic Cresoting;
Proper party	Diamond;
Reconsideration by	#454(RC);723(RC);1070(RC); 1420(RC);
Relation to ALJ different from D.C. to Appeals Ct.	Champlin;
Reopen after 30-day review period has passed	#5422(RC);Otinger;

REVIEW COMMISSION (Cont.)	
Represents public interest	#935;
Reversal of Judge by	
Must be explained	Gilles & Cotting;
Must be supported by substantial evidence	Smokecraft;
Review by when parties don't want	#78-3352(RC);
Review is de novo	#2270(RC);
Rule (See RULES OF PROCEDURE)	
Should not create disputes where none exist	#76-4719(RC);
Two member split not final	Shaw;Willamette;
Vacate direction for review	#4845(RC);
RIPSAW, HAND FED	
Modified	#4033;77-3040(RC);77-3542(RC);
ROOF (See Floor)	
ROOF GUARDING	
Flat roof	
Not an opensided floor (500(d)(1))	#364;503;532;581;598;963; 1102;1295;1382;5750(RC);8173(RC); 8275(RC);8525(RC);Langer;Diamond;
5(a)(1)	#15681(RC);77-930;77-4139; 79-1420;
Not appropriate	Schriber;
Safety belt not required	#1382;1492;
Standard of care required	#77-1568;

ROOF GUARDING (Cont.)
  Skylight holes #80-457;

  Slope
    Steep defined #76-357;

RULES OF EVIDENCE (See EVIDENCE)

RULES OF PROCEDURE
  Literal compliance not required #76-3799;

  Review Commission interpretation binding #15169(RC);

  Technical breach of not basis for depriving R of hearing #2607;

  1(1) #524;

  4 #79-3136(RC);

  5 #76-909;80-3347(RC);

  6 #77-2720(RC);

  7(a)(d) #3508;79-3136(RC);

  8(c) #2873;3818;

  9 #78-5034(RC);

  10 #79-949(RC);79-1625(RC);76-4276(RC);

  12(c)
    Interlocutory appeal (See) #192;

  20 #76-4572(RC);78-127(RC);

RULES OF PROCEDURE (Cont.)

21(See Intervention)	#77-3050(RC);78-127(RC);78-3166 (RC);
21(b)	#78-127(RC);
22	#76-4063(RC);
29	#78-446(RC);78-1269;
32	#1625;
33(a)(1)	#1690(RC);3556;79-6850(RC);80-75 (RC);80-1672(RC);
33(a)(2)(iii)	#78-4999;
33(a)(3)	#285;1624;1645;1690;76-1174(RC);
Strict adherence to not fatal if R not prejudice	#12767(RC);Jensen;
33(b)(1)	#1434;3508;80-6865P;81-1251P;
33(b)(2)	#2676;2789;3086;3508;
34 & 35	#1942;2017;77-1493(RC); 79-5772P(RC);81-1251P;
37	#79-1552(RC);80-2618(RC);
38	#79-6850(RC);80-75(RC);80-6199P;
51 Same as FRCP 16	Marquette #12713(RC);
52 (Request for Admissions)	#10198(RC);10952(RC);80-4099; 80-6246;
Amendment to answer to request permitted where R not prejudiced	#7626(RC);

RULES OF PROCEDURE (Cont.)

52 (Cont.)	Failure to answer	#79-2156;
	Means what it says	#76-909;
53(a)		#13732(RC);77-2512;
54		#78-1361(RC);
60		#3550(RC);
(b)	Auth. to reopen final order	#15074(RC);
61(b)		#80-3115;
61(c)	N discretion in judges	#15965(RC);
62		#79-6784;80-4532;80-5006S; 80-6661B
62(c)		#77-2720(RC);79-1157(RC);
66		#2309;2920;
66(h)		#80-3347(RC);
67		#80-146
72		#510(RC);
73		#1942;
75		#5873(RC);
75(b)		#79-570(RC);
75(c)		#76-1656(RC)

RULES OF PROCEDURE (Cont.)

76	#76-1656(RC)
90	#76-2802(RC);79-3136(RC); 80-6661B;
90(b)(1)	#16059(RC);
91(a) Petition must specify issue	 #76-2994(RC);
91(b)	#78-5450(RC);
91(b)(4)	#79-3136(RC);
92(d)	#76-406(RC);76-1201(RC); 76-2894(RC);
100(a)	#80-999; 81-347;
100(b)	#77-3769(RC);81-501;
100(c)	#912;2922(RC);77-3769(RC); 77-3817P(RC);78-446(RC); 78-452(RC);78-4449(RC);
103	#78-1485(RC);
104	Southern Colo.
108 Not applicable to provisions of the Act	#2095(RC); #4532;
200	#80-2809S;
206	#80-2809S;
205	#80-5006S;
"RUNWAY" Distinguished from platform	#14300(RC); #1410;

SAFETY	
Responsibility for on employer	#77-2762;
SAFETY BELT	#609(RC);762;2249(RC);80-2760;
Being used even tho detached while moving	#76-891(RC);76-2258;
Greater hazard on top of elevator	#76-2787;
Not feasible for	
Connectors	#78-5571;
Roofers	#76-4361;
R must have uniform & eff. enforced work rules re	#14249;
SAFETY DEVICE	
Not tested by compliance officer - vio. not est.	#2960;
Work rules not	#4859(RC);
SAFETY LINE	
Absence of as serious violation	#41;983;1205;
Failure to use because difficult	#13638;76-5241;
Must be tied off	#644;Southwestern
Refusal to wear	#703;
Required over 25 feet (1926.28(c))	#5482;
SAFETY NET	
Either net or other safety device	Southern Contractors;Verne-Woodrow;Southern Colo.
Exterior	#80-2760;

SAFETY NET (Cont.)	
Only where other safety means impractical	#117(RC);226;1113;1166;1262;1492;1607;1670;2052;3657;4359;4745;80-457;Pearl Steel;Fiegen;
SAFETY PROGRAM (See TRAINING)	
Adequacy of	#16162(RC);76-1538(RC);77-3021(RC);79-3515;Gen. Dynamics;77-3772(RC);
Burden of est. inadequacy of on SOL	#76-1060(RC);79-3394;Ocean II;
Adequate but employee violated anyway	Champlin;
Adequate enforcement of required	#76-2748(RC);80-4844;
As defined to violation based on accident	#15;
Burden on SOL	Ocean;
Consists of	#78-5637;
Differs from training	#79-6611;
Effective is defense to unsafe condition	#378;9295(RC);15472(RC);15760(RC);79-1420;79-1585;79-6558;
Good but not enforced	#13266(RC);79-557;
Granting wide latitude to ignore not "an effective"	#76-1924(RC);
Inadequate	#13266(RC);76-4271(RC);77-3021(RC);78-2621;79-2724;79-3231;81-1977;Pike;Danco;
No inspection program	#80-6116;
Ineffective	#78-1562;
Skilled worker	#80-1526;

SAFETY PROGRAM (Cont.)	
Judge must make finding re adequacy of	Butler;
More than generalized instruction to be careful	#13685(RC);79-1921;81-529;
More than written instruction	#13832(RC);
Must be understood	Gen. Dynamics;
Order to perform dangerous act raises doubts re	Ocean;
Supervisor must advise employees	#79-4517;
Verbal warning inadequate	#13266(RC);
Weekly safety meetings alone not enough if it doesn't truly promote safety	Georgia;
What a conscientious expert seeking to prevent all hazards would do	Gen. Dynamics;
SAFETY RECORD	
Doesn't validate safety program	#77-3021(RC);
Not factor in determining hazard	#12501(RC);
SAFETY RULE	
Communicated not enough	#76-1296(RC);76-2414(RC);76-3010; 80-268;
Employee decides if hazard exists	#15472(RC);77-91;
Existence of creates sub. prob. of acc.	#1;
Existence of doesn't est. recognized hazard	#3818;

SAFETY RULE (Cont.)	
Limited to particular hazard	#77-3567;
Mgmt. example may determine mgmt. failure	#85(RC);
Need not be in writing	#402;419;
Noncompliance with by supervisor	#13266(RC);77-2762;78-6265(RC);
Not enough to issue but must enforce	#76-911;78-6265(RC);79-2700;
Observance of delgated to mfg. not valid	#15769;
Specificity required	#16093(RC);
Vigilant enforcement in large shipyard	#78-1490;
Viol. of by employee as defense	#85;1815;77-3878;79-1173;80-3866;
Viol. of by mgmt. puts mgmt. on notice	#85(RC);
SAFETY SHOES	#793(RC);79-5235;79-6035; 80-3102;McLean;Ryder Truck; Ark-Best;
Employee preference irrelevant	#79-6180;
If standard requires employer, must prov.	#793;Budd;
Not required to protect against trip and fall	#1085;
Reasonable precedent employee test	#80-4976;
Specific hazard must be shown	#6120;79-4150;
SAFETY POLICY	#15919(RC);
SAW GUARDING	
Not always feasible	#2271;

SCAFFOLD	#76-4507(RC);
Brace as perimeter guard	#3713;
Defined	#367;
Swinging	#12174(RC);
Fall distance not determined by height of scaffold	#7542(RC);
Height computed from resting surface to top of scaffold	#7542;
Load limits	#79-4324;
Single point	#80-5999;
Spanner	#76-2332(RC);
Stabilizers	#80-4099;
Two point suspension	#76-3697;
Types distinguished	#899;79-4021;80-1420;
SEAMEN	#2240(RC);76-4905(RC);79-6896;
SEARCH WARRANT (See INSPECTIONS)	
SECRETARY OF LABOR	
Delegated responsibility	#1572;1715;
Discretion to prosecute	#8165(RC);10340(RC);
Contra	#76-4761(RC);
Must follow his own regulations	#2128;
Prosecute promptly	#76-1698;

SECRETARY OF LABOR (Cont.)	
Regulation must follow intent of Congress	#2128;
SECTIONS OF THE ACT	
Interpreted to effectuate purpose of Act	#1087(RC);
SECTION 3(5) OF THE ACT (652(5))	#12651;76-4774(RC);77-1290(RC); 77-2720;79-4110;
One employee sufficient	#76-4026;80-3592(RC);
SECTION 3(8) OF THE ACT (652(8))	#2739;
SECTION 3(9) OF THE ACT (652(9))	
Discussed	#1694(RC); 76-647(RC);80-3295;
SECTION 3(10) OF THE ACT (652(10))	#76-647(RC)
SECTION 4(b) OF THE ACT (653(b)) (See Jurisdiction)	
Agriculture	#1671;
Air Force contract not exempt	#76-733(RC);
Applies if leg. is to protect employees	#61(RC);251;837;
Applies only to specific working conditions	#1348(RC);
Armed Services Procurement Regulations	
Do not regulate safety	#16056;
Burden of establishing an R	#79-4517;
Coast Guard	
Juris. over crew member	#10820;
Sea harvesting	#78-1618;
Consumer Product Safety Comm.	Am.Pet.Inst.
Corps of Engineers	#16056(RC);

SECTION 4(b) OF THE ACT (Cont.)

Customs Regs.	#16355;
Defense under not jurisdictional	#1672;5960(RC);
Defined	#2679;
Discussed	#683(RC);839;1098;1132;1588(RC);1593;1697;1893;1971;2357;2524;2546;2696;3638;4078;4318;5566;5936;
DOD Contractor	
Not exempt	#4263;
Dynamite storage	#9342;
"Employments" does not mean whole industries	So. Pac. Trans.
Exclusion does not apply to recordkeeping	#837(RC);
Exemption	
Advance notice of proposed rulemaking not	#10334(RC);10541(RC);12783;78-2163;
Agriculture	#1671;
Airline maintenance manual with safety topic	#9392(RC);76-3506(RC);
Applies if other agency will protect workers from hazard	#12420(RC);15462(RC);
Authority must be actually exercised	So. Pac. Trans.;
Burden of establishing on R	#10799(RC);78-4537;

SECTION 4(b) OF THE ACT (Cont.)

Exemption (Cont.)

DOD discussed	#4263;
DOT	#454(RC);723(RC);1070(RC);1348;1588;1873;2546;3038;4318;76-1704(RC);77-2289(RC);79-2122;
FAA	#2524;13649(RC);78-918(RC);79-4336;
FRA policy statement	#78-2119(RC);
Federal RR safety Act	#738;76-1182;77-3050;80-1436;Southern RR;
Gas pipeline	#4078(RC);4091(RC);10646(RC);10786(RC);10799(RC);
GSA not	#11127(RC);
Motor carrier not	#10889(RC);
Must be directed to employee health and safety	#251(RC);
Narrowly construed	#1348(RC);
Narrowly construed if another Fed. agency exercises	#10699(RC);
NGSPA	#77-2289(RC);
Nat. Transport. Safety Bd (NSTB)	#79-4336;
Not industry wide	#738;1348(RC);2679;4419(RC);10111(RC);10699(RC);12756(RC);Southern RR;
Only if another agency actually controls	#2679;

SECTION 4(b) OF THE ACT (Cont.)

Exemption (Cont.)

Only if regs. cover specific work condition	#837(RC);
Requirements for	#1348;
Seaman on Coast Guard supervised vessel	#12969;
Truck dock workers	#6483(RC);
"Exercise" means the protection must be more than incidential or fortuitous	#61(RC);76-4905(RC);77-3050;
"Exercise" means more than proposal to adopt rules	#738(RC);12420(RC);15920; 76-1182(RC);B & O RR;
Explosives	#1098;
Federal Railroad Adm. regulation	
Exemption determined by intent	#78-918(RC);78-5805(RC);So. Pac. Trans.;
Judge may raise issue of	#9506;
Lack of juris. - an alt. def.	#3818;
Affirmative defense to be presented	#3818;
Longshoring	#1671;
Mine safety (Interior)	#1134(RC);15462(RC);
Not jurisdictional	#6706(RC);10111(RC);77-3050;
Nuclear ship	#4350;

SECTION 4(b) OF THE ACT (Cont.)	
Other agency rule directed to surroundings and work hazard	So. Pac. Trans.;
Other legislation	
Examine purpose to see if protect employees	#4263;
Railroad	#738;1348(RC);1697;2679;4419(RC); 5936;9616;10698;10732(RC); 11904(RC);11418(RC);12783(RC); 14483(RC);78-2163;78-2739(RC); 78-4611(RC);78-4833;80-1436; Southern RR;
Non RR employee working on top of boxcar	#78-2610;
Not common carrier	#80-1436;
Regulation must be to protect health & safety	
Handling of noxious materials	#9506;
Satisfed if regulation to protect employee	#4091(RC);
Sea harvesting (Coast Guard)	#78-1618;
Ship modification not excluded	#77-1527;
Truck line	
Maintenance facility for	#78-2818;
"Working Conditions"	
Defined	#76-4905(RC);Southern RR;
SECTION 4(b)(2) OF THE ACT	#79-4478(RC);
SECTION 5(a)(1) OF THE ACT (654(a)(1)) (Recognized hazard)	
Abatement duty under means take feasible steps	#76-2690(RC);

SECTION 5(a)(1) OF THE ACT (Cont.)

Absence of injury relevant	#78-4459;Titanium;
Absolute duty to detect & exclude hazardous condition	#77-2130;Champlin;
Accident cause unknown	#78-4574;
Accident not required	#76-2690(RC);79-1728;Titanium
Achievable	Titanium;
Actual disability not necessary	#10;
Advisory std. can't be minimum level of employer conduct under	#80-2984
ANSI standard re cited practice establishes	#2648(RC);78-5820;
Applies only to own employees	#77-4100;
Building wall w/o safety devices	#1329;
Burden of proof under not applicable to spec. standard	#15855(RC);
Burden on SOL to show R failed to render workplace free from recognized hazard	#78-2316(RC);
Burden on SOL to demon. feas. measure reduces hazard	#15169(RC);79-4614;Champlin;
But abated Sub. events created new one	#874;
Cannot be used to include new tech. to short-cut Rulemaking	#78-6177;
Cannot req. more than a specific standard	#5157;

SECTION 5(a)(1) OF THE ACT (Cont.)

Charged but RC found violation of standard	#161;1046(RC);
Common-law duty	#394(RC);471(RC);
Constitutionality of	#78-866;
Criterion re not valid if applied to standard	#827;2052;
Defined	#10;19(RC);25;43;79;98;100;154;394;471;515(RC);680;874;1009;1367;1916;2542;2576;5288(RC);8123(RC);11903;13591(RC);76-450(RC);77-1084(RC);79-2205;79-5762(RC);Empire;Getty Oil;Myers;Natl. Realty;
Det. by State standards	#74(RC);
Discussion of legislative history	#82;
Does not est. violation	#995(RC);
Elements of	
All must be established	#78-2192;79-1176;79-5117;
Eliminate preventable accidents	#78-3229;
Employee cont. neg. not a defense	#2283(RC);Champlin;
Employee disobedience in presence of foreman	#2283(RC);
Employee exposure required	#10506;
Employee misconduct does not obviate	#5960(RC);
Employee negligence	#2863;Myers;

SECTION 5(a)(1) OF THE ACT (Cont.)

Employee preference & industry practice rule out	Myers
Employer must attempt to control employee conduct	#5288(RC);5960(RC);7673(RC); 8416(RC);Hanovia;GE I;
Employer failed to inspect for viol. of work rules	#80-2036;
Employment relationship required	#504(RC);
Casual employment	#76-596(RC);
Exposure	#1584;
Factors to consider	#3257;
Must be foreseeable	#1593;76-900(RC);
Hazards	
Abatement of determined by feasibility	#4533(RC);
Awareness of determined by industry practice	#4533(RC);
Must be prevented	#77-3575A;
Must be recognized by indus.	#78-2610;
Recognized, defined	#12600(RC);76-900(RC);
Feasible methods to eliminate must be shown	#9224(RC);15169(RC);76-596(RC); 78-1638;80-2771;80-4099;
Materially reduce hazard only	#76-900(RC);
Fills in gaps in standards	#43;827;80-379;
But not where standards spec. excludes	#78-354;
Finding of fact required in	#82;124(RC-Dis);

SECTION 5(a)(1) OF THE ACT (Cont.)

Flat roof (See ROOF GUARDING)

General duty, discussion of	#10;22(RC);82;84(RC);124(RC); Titanium;
Hazard may require more than industry standard	#76-2690(RC);
Hazard	
Forseeability	#77-1084(RC);
Legislative history to define	#79-5762(RC);
Must be recognized	#22(RC);31;130(RC);5288(RC); 5991(RC);7673(RC);13390(RC); 76-450(RC);76-596(RC);77-1084 (RC);78-1710;79-3399;79-4104; 79-4424;79-4612;80-1609;Myers; Georgia Elec.;
By instrumentation	#1264(RC);
Manufacturer's brochure	#80-6182;
Need not occur for violation to exist	Empire;
Storage not a recognized	#80-2273;
Training to protect against	#12212(RC);
Hazard unforseeable, no violation	Bethlehem III;
How determined	#9508;
In particular industry required	#22(RC);31(RC);874;995(RC);1008; 1367;1544;1700;12600(RC);
Knowledge	#271(RC);
Absent if engineering study needed to establish	#10646;

SECTION 5(a)(1) OF THE ACT (Cont.)

Knowledge (Cont.)	
Actual is enough	#9224(RC);76-752(RC);Vy Lactos;
General is not enough, must be in cited ind.	Magma;
Men running contrary to rules	#7722;
No accident in past several years	#5991(RC);77-1084(RC);
Petroleum industry	#2128;
Same circumstances	#969;
Lack of formal training program doesn't est.	#2541;
Lack of safety instruction	#12964(RC);79-199;79-7042;
Liability	
Absolute or respondeat superior not imposed	Champlin;
"Likely to cause"	#329;Titanium
Defined	#76-2690(RC);77-3133;78-216;
Lowest feasible level criterion	#79-4005;
Lumber	#874;
Machine operation doesn't present	#2004(RC);
May require work practice beyond industry practice	#4533(RC);
More than one in workplace	#69(RC);

SECTION 5(a)(1) OF THE ACT (Cont.)

Multiple citations for Same set of facts	#25;69;465(RC);
Must be source capable of producing accident	#4777;
Must specify what could have been done	#2701;8123(RC);13659;76-1296(RC); Nat. Realty;
Narrow construction not proper	Am. Smelting;
National Fire Protection Agency	#76-6177;77-1084(RC);79-936;
Negligence of employee and bad judgment but not employers neglect of general duty	#2863(RC);Myers
No actual or foreseeable exposure to hazard est.	#79-227;79-5324;
No evidence re specific standard	#3235;
No way to avoid	#323;
Not known by employer	#89;2863;Titanium
Not operating in accord with SOP	#2128;
Not proved so by penalty	#4408;
Not strict liability but achievable one	#5960(RC);7792(RC);Nat. Realty;
Not used if specific standard (but see #154)	#161(RC);1018;1036(RC);1046(RC); 1373(RC);2246;2276;3028;3685;4036; 76-406(RC);76-2044(RC);78-6177; 79-6736B;80-4873;Am. Smelting;

SECTION 5(a)(1) OF THE ACT (Cont.)

Not vague	Bethlehem III;
Notice re	#130(RC);
Only if employee exposed	#4140;
Only violation if tried as cited	#394(RC);
Place of employment	
Restricted access area	REA;
Practice could eventuate in serious harm	Titanium
Prevails if no spec. regulation for hazard	#78-6177;
Proof of	#788;1307;1363;76-3803;
Includes what could be done to avoid citation	#12600(RC);79-1355;
Not necessary to establish noncompliance	Arkansas;
Proximity to power line of boom	#271;
Reasonable man test applies	#79-3374;Bristol;
Recognized hazard (See HAZARD, Recognized)	
Based on advisory industrial standard	#76-5255;78-2862(RC);
Discussed	#8184(RC);76-1296(RC);76-5255(RC); 77-256;79-4603;
Likely	#329;9339(RC);13591(RC);Am. Smelting;Vy Lactos;

SECTION 5(a)(1) OF THE ACT (Cont.)

Requires	
Achievable duty	#8123(RC);Nat. Realty;
Both hazard and knowledge	#124(RC);
Eliminates feasibly preventable hazards	Champlin;
Employees on premises	#1008;
More than mere possibility	#329(RC);
R must have knowledge of unsafe practice	#79-1339;Myers;
Roof (See ROOF GUARDING)	
Safety policy as defense	#82;85(RC);564;79-6558;79-7156; 80-151;
Safest protection not required	#78-866;
Safety rule does not establish	#3818;
Safety rule inadequate to fulfill duty	#77-1084;
Saws	#995;
Separate finding for each hazard	#69;
Serious violation	
Accident poss. as affecting	#79-800;
Serious viol. only	#79-162;
SOL must show what R could do	#5288(RC);7673(RC);GE;
Can require more than ind. custom	#1829(RC);

SECTION 5(a)(1) OF THE ACT (Cont.)

Specific testing required	#1264;
Standard not basis for establishing 5(a)(1) violation	#76-2894(RC);78-5956(RC):79-465; 79-5751;79-6604;
Standard not to be created by, on *ad hoc* basis	#78-2862(RC);79-4005;
Standard doesn't fully cover hazard	#15390(RC);76-596(RC);
Steps Respondent took to enforce safety rules det. violation	#8416(RC);
Steps to avoid citation - SOL must establish	Titanium
Strict liab. not req. - employer not insuror	#82(RC);
Technical testing required	#1264(RC);Am Smelting:
Unforseeable accident not	#77-3515A;
Unpreventable	#5157;78-1638;
Unprotected position on roof as	#77-1568;
Unshored excavation as	#19;
Use of does not make a standard	#1829(RC);
Vagueness of	
Not	#77-256;
Not within purview of RC	#9339(RC);
Violation only if duty capable of achievement	Hanovia Lamp;

SECTION 5(a)(1) OF THE ACT (Cont.)	
Violations of	
Airborne substance	
Explosive dust accumulation	#11166;79-2288;
Gas in enclosed space	#31;1290;
Lead	Am. Smelting;
Alleging violation of standard must amend to 5(a)(2)	#680(RC);
Auto. detection device or persons not employed to detect accidental disch. of fuel	#1829(RC);
Backhoe	
In path of hazard	#781;
Riding in bucket	#79-4901;
Building	
Being aloft in during demolition	#5421;
Between floor movement unsafe	#51;
Failure to brace	#154;1363;
Wall without safety devices	#1329;
Bulldozer	
Operated with blade up	#5157;
Riding blade	#9508;
Capacitator terminal, energized and open	#89;

SECTION 5(a)(1) OF THE ACT (Cont.)
  Violations of (Cont.)
    Catwalk #564;

    Cement mixer #82;

    Chemical, flammable, lack of fire protection #366;

    Climbing unguarded ladder #4845(RC);

    Communication to secure help not available #78-1908;

    Condition precedent to finding #2542;

    Control
      Deadman, defective #26;
        Not on grain bin door #1700;

      Lockout
        Adequate #1815;

        Inadequate #39;

        Not used #82;

    Cord (cable), defective splice #64;
      Frayed #37;

    Cotton seed collapse #515;

    Counterweights on oil well pump not secured #78-1908;

    Crane
      Boom attachment improperly secured #13659;80-4398;

SECTION 5(a)(1) OF THE ACT (Cont.)
  Violations of (Cont.)
    Crane (Cont.)
      Cable of defective #15;

      Controls not properly labeled #9339(RC);

      Counterweights, not secured #49;

      Dismantled
        By inexperienced help #49;

        Not blocked during #2576;

      Failure to cut off unattended engine #2648;

      Failure to secure counterweight of #4533(RC);

      Lifting unbalanced load #161;

      Not equipped with loading device #80-4398;

      Objects falling from not #76-406(RC);76-2894(RC);

      Operated in excess of load #3444(RC);

      Operating near elec. line (See Power Line) #9;65;103;116;271;3238;

      Riding box lifted by #3235(RC);

      Swing clearance of #141;3235;

      Window not shatterproof #78-216;

      Working under boom of #10331;

    Downhill side of truck load of logs #874;

SECTION 5(a)(1) OF THE ACT (Cont.)

Violations of (Cont.)

Drainage for flammable tanks	#1829;
Dumptruck driver required to lift load under high tension wires	#78-448;
Electrical interlock device missing on elev. doors	#78-6177;
Electricity	
Allowing to enter body	#44;
Defective plug	#44;
Insuff. clearance, etc.	#1605;
Protective device on elev. by-passed	#78-4423;
Transformer	#329;
Undetermined defect as	#44(RC-Dis.);
Working in damp area	#28;
Working too close to high powered line	#3710;15082(RC);
Elevator operated without safeguards	#13682;76-4745;78-1803(RC); 78-5704;79-4838;
Elevator shaft unguarded	#76-1004;
Employee	
Dangled between ship & dock	#5581;
Entered lethal air without safety device	#1829(RC);

SECTION 5(a)(1) OF THE ACT (Cont.)
  Violations of (Cont.)
    Employee (Cont.)
        Inadequately trained and supervised #5562(RC);

        Not kept out of area of falling debris #4725(RC);

        Not protected against elec. in high power line #10345;

        Not protected against working on piping for flammable liquids #76-658;

        Not trained #11903;

        Permitted to work near power line without protection #13535(RC);

        Remaining aloft during demolition of steel power transmission tower #5421;

        Riding boom #13390(RC);

        Too near moving backhoe bucket #14545;

        Unable to control start of machine & guard falling on blade #78-624;

        Working w/o direct supervision near high power line #77-3106;

    Entering cement mixer w/o locking out #82;

    Equipment
        Improperly set-up #1367;

        Ungrounded #37;

SECTION 5(a)(1) OF THE ACT (Cont.)

- Violations of (Cont.)
  - Excessive amounts of grain dust accumulated #78-6177;
  - Exits locked #130;
  - Exposing employee to confined space incapable of sustaining life
    - While attempting rescue of other
      - Hazard not forseeable #465;4447;
  - Exposing employee to high tension line #1373;
  - Exposure to blast furnace charging operation #5619(RC);
  - Exposure to elec. shock while moving ungrounded power line #76-2044;
  - Failure to
    - Adequately brace concrete forms suspended by 1 weld #77-313(RC);
    - Block vehicle suspended on hoist #11286;
    - Brace or chain unsupported steel #76-4619(RC);
    - Check that elec. equip. deenergized #77-4100;
    - Collect grain dust #78-1715;
    - Deenergize and properly spread a multiconductor aerial conductor #76-3657;
    - Deenergize high power elec. lines #76-1174(RC);76-5007(RC);
    - Determine scaffold's capacity to support #78-3155;

SECTION 5(a)(1) OF THE ACT (Cont.)
  Violations of (Cont.)
    Failure to (Cont.)

Enclose stair with fire-resistant shaft	#78-2862(RC);
Est. procedures to clear employees from power line before energizing	#78-4430;
Equip. waterwagon with ROPS or seat belt	#77-256;
Equip. with derrick escape device	#80-2984;
Follow mfg's instruction in Installing crane	#78-854;
Follow mfg's instru. in Walking on transit	#8184(RC);
Follow safety practice in lowering heavy crane load	#78-5572;
Ground high voltage equipment and protect employees	#78-2447;
Guard	
Against dropped pilings	#78-866;
Against hazard of falling object	#12483;76-3660;
Against recoil of wire rope	#2701;
Against being struck by steel moving on roller table	#78-1780;
Elevator opening	#76-1004;77-657;79-4090;
Or mark road along excavation	#323;
Waste bailer	#76-5242;

SECTION 5(a)(1) OF THE ACT (Cont.)
  Violations of (Cont.)
    Failure to (Cont.)

Inspect	
For pipeline thickness	#10799(RC);76-2777(RC);
For weight carrying capacity of roof	#76-3803;
Install steam pressure relief valves	#77-4204;
Insure no gas in pipeline during maintenance	#76-665;
Insure that crane operator properly trained	#77-2901;
Isolate hot oil line from bleeder value w/o proper handie	Champlin;
Inspect machinery for defects	#78-4879;
Instruct in repair of hazardous mechanism	#77-1383;
Keep machine guard in order	#77-4219;
Lock-out power supply	#11739(RC);
Maintain blast furnace by keeping water out	
Minor leaks don't establish	#78-553;
Maintain derrick in level position	#77-807;
Maintain proper maintenance program	#78-5820;
Make plans for handling electrical job	#78-2447;

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)
Failure to (Cont.)

Pressure test pressure vessel	Getty;
Prevent	
Concrete object from toppling	#14648;
Exposure to toxic sub.	#14910(RC);
Exposure when slag & H^2O mix	Empire;
Properly anchor port. hoist	#79-227;
Properly ground pump	#59;
Protect	
Against deadly gases	#78-2621;Cities Service;
Against electrical shock	#78-4655;
Employees by liftgate when bridge closed	#78-1780:
Employee in elevator pit	#76-909;
Employees while testing machine under high air pressure	#12879;
Employees working more than than 10' above ground	#78-3775;79-4979;
From concrete falling from ceiling area	#79-685;
Provide	
Automatic controls to prevent RR car movement	#77-1016;

SECTION 5(a)(1) OF THE ACT (Cont.)
  Violations of (Cont.)
    Failure to (Cont.)
      Provide (Cont.)

Control for employee riding unattended forklift	#124;2565(RC);
Derail blocks to prevent locomotives from colliding	#5960(RC);
Disconnect switches on panel boxes	#80-4345;
Dust collectors in grain elevators	#78-1991;
Dust-tight and waterproof grain covers	#78-1938;
Elec. safeguards	#38;1605;
Explosion relief venting	#78-2862(RC);
Fire detection device to release life rafts etc.	#10646;
Fire evac. from top of offshore oil platform	#10646;
Foreign matter extractor in grain elev.	#78-2862(RC);
Guardrails for employees on flat roof	#79-5605;Schriber;
Guardrails for employees on metal box	#79-6383;
Head protection over entrance	#76-3114;
Inspection program	#79-1544;

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)
Failure to (Cont.)
Provide (Cont.)

Lockout means #77-4100;

Net when belt not feas. on overhead crane #78-1780;

Proper training handling dangerous chemical #78-1269;

Protection against falling through deteriorating roof #78-687;

Protection against overexposure to phosgene gas #76-5197;78-4246;

Railings #69;1036;

Rollover protection #76-1168;76-3166;

Seats for passengers in truck #7227;

Stand-by for outside door to hazardous area #78-501;

Strong enough floor (corrugated sheet roof between steel girders) #78-2544;

Tire cage #77-734;79-4754;

Traffic controls on road under repair #78-3229;

Safe loading area for forklift #510(RC);

Remove employees from area of potential exposure #5740(RC);

SECTION 5(a)(1) OF THE ACT (Cont.)
  Violations of (Cont.)
    Failure to (Cont.)
      Remove hot bearing #78-2862(RC);

      Remove natural gas from oil well #16096(RC);

      Remove old steel subject to cracking #77-807;

      Require prot. equip. in motorized veh. subj. to rollover #15167(RC);

      Safeguard against bricks from above during kiln relining #4725(RC);

      Safeguard against explosive atmosphere when removing & inserting valves in gas lines #78-620;

      Secure
        Open end of mud fill line on oil derrick #77-1520;

        Working surface #3863;

      Supervise the use of window cleaning equip. & devices to insure safe workplace (Pron. cross-over) #78-625;

      Test #77-1850;Getty;
        Atmosphere in confined space prior to entry #78-3748;

        Excess flow valves #78-3616;

        For CO^2 #78-501;

        Space between pipe casing prior to using torch #11870;

SECTION 5(a)(1) OF THE ACT (Cont.)
- Violations of (Cont.)
  - Failure to (Cont.)
    - Timely replace conveyor rollers #78-1715;
    - Train and supervise
      - Handling dangerous chemicals #13720(RC);
      - In hazards of confined space #77-467;
      - Safe operation & maintenance of payloader #76-2643(RC);
    - Turn elev. off at main service & lockout while working in shaft #79-3392;
    - Use sound materials to make platform #78-3958;
    - Use tied off safety belt #78-3468;
    - Ventilate gaseous solution #2276;
    - Warn employee of hazard associated with emergency release device #5991;
    - Wear safety belt on high derrick #5991(RC);
  - Fall of 25' as #77-1568;
  - Fall protection not provided maint. men against 6-1/2' fall #78-4459;
  - Forklift
    - Riding of, no safety platform #124;
  - Gap between elec. platform and floor #2260;

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)

Gases	#31;2276;2279;79-3222;
Generator, elec. too close to	#329;
Geronimo line missing	#79-160;
Grain dust	
All precautions to reduce not taken	#78-2866;79-2509;
Discussed	#79-4549;
Grain elev. w/o malfunction detector to elim. exp.	#78-6177;
Gridwork floor opening not prot.	Ringland-Johnson;
Hazardous unloading of freight	#78-4574;
Hazardous unloading of paper rolls	#77-3133;
Heater lacked safety devices	#2128;
High pressure water lines not supplied with proper valves	#78-2525;
Hoist brake operated improperly	#79-465;
Hoist not op. in acc. with rules	#76-1796;
Hot work performed in ballast tank before competent person inspected	#78-3054;
Improperly attached boom to front end loader	#13659;

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)

Improper maint. of slag rings on buckets	#77-3402;
Improper operation of hoist charging blast furnace	#78-216;
Improper plates between dock & truck for powered equip.	#79-1431;
Improperly positioning a hydraulic ram tension device	#1367;
Improper positioning of ladder to enter slag ladle	#77-3402;
Improper unloading method for coke car	#78-216;
Improper use of "preform" on elec. line	Myers;
Inadequate safe procedures for lighting furnace	#2128(RC);
Inadequate training of "crane hookers"	#79-464;
Ingoing nip points unguarded	#78-1715;
Injury from lifting	#2541;
Inst. not issued prohibiting use of dispensing equip. in fall area	#79-1214;
Insufficient emergency exits	#4078;78-4960;
Lack of protection against CO^2	#78-501;
Lack of static spark protection	#3818;

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)

Lifeline	#2246;
Lifting gear on ship, improper use of	#1483;
Lifting hook, inadequate for weight	#75;77;
Liquid in area of molten steel pour	#77-3575A(RC);
Load	
Binder removed prematurely	#1267;
Exceeding design load of roof truss	#44;77-4130;
Not properly secured	#22;
Loader, riding of	#80-7081;Nat. Realty;
Loading Traxcavator onto truck w/o blocking truck wheels	#12964(RC);
Lock-out protection not provided	#77-4236;
Locomotive had inoperable deadman's controls, etc.	#78-2902;
Log landing area is dangerous	#1323(RC);
Lumber skidding w/o felling rotted trees	#15241;
Magnet for picking up foreign objects absent in grain elevator	#78-6177;
Manhole, gas	#100;1264;

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)

Masonry walls had not reached design strength, unbraced	#77-4130;
Metal ladder in vicinity of elec. line	#83;
Motor, idling of	#2648(RC);
No audible alarm on drilling platform	#15405(RC);
No blowout valve on job	#15405(RC);
No emergency lifeline in crane cab	#78-1434;
No fall protection	#77-3031;
No lock out procedure for power source of machine	#77-3951;
No safe access to employees riding carpet pole on lift truck	#10560;
No violation where injury due to employee's own negligence	#78-2627;
Open bottom slag pot - use of	#5110;
Operating overloaded freight elevator	#76-72;
Operating tractor w/o ROPS on 95' slope	#78-5637;
Operation of control lever reversed is	#9339(RC);
Operation of crane in winds exceeding safe operating conditions	Bethlehem III;

SECTION 5(a)(1) OF THE ACT (Cont.)

Violations of (Cont.)

Operation of elev. w/gate tied open & interlock disconnected	#79-1176;
Operation of lathe with cracked jaws	#11344(RC);
Operation of pot carrier w/obstructed vision	#78-5952;
Operation of press while standing on unsteady platform	#78-1434;
Operator did not remain at control of catline	#76-2945;
Overhead conveyor not guarded to protect against drop load	#76-72;
Overhead rails not adequately supported	#77-3622;
Overloading wood trusses	#44;77-4130;
Perimeter guard	#1036;78-3224;
Permitted improperly trained stockers to use wire rope slings	#77-2876;
Permitting employee to enter confined space w/o proper safety precaution	#465;80-3589;
Permitting derrick to lift in excess of its safe load	#3444(RC);
Permitting operation of crane with loadline lever reversed	Georgia;
Permitting truck to operate at excessive speed in garage	#78-4911;

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)

Permitting use of defective hook latch	#10514;
Permitting work under crane load	#78-4698;
Petroleum prod., improper sup. of	#1008;
Plug, elec., defective	#44;
Point of operation guarding	#1716;
Poison gas as	#2276;
Poor working conditions at slag heap	#8689;
Positioning truck in hazardous position	#78-5623;
Powerline (See Crane, Operating near)	
Crane too near	#9;65;103;116;271;3238;15082(RC);
Ladder too near	#83;
Scaffold too near	#4298;80-520;
Pressure vessel being made operational w/o proper test	#2671;
Pulling in load w/o protection in highrise under construction	#2156;
Requiring employees to lift too heavy loads	#2541(RC);
Resistance welding while standing in water	#78-1595;

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)

Riding	
Forklift	#77-3622;80-6182;
Front end loader, backhoe	#4058;4491;79-4361;
Lift box	#3235;4792;
Loose stack of lumber on fork lift	#2270(RC);
Standing up in back of truck	#7227(RC);7673(RC);
Traveling block of oil rig elev.	#76-2337(RC);77-1858;H-30;
Unprotected "skid"	#13615;
Roof protection against falling	#1036;2246;77-3856;
Roof trussess, erection of	#969;
Safe loading area	#130;
Safeguard lacking in oxygen interconnect system	Magma;
Safety belt and lifeline	#25;41;47;564;
Safety training etc. did not meet industry standards	#10277;
Safety precautions, failure to take while manually unloading tires	#76-1791;
Sanding magnesium producing excess sparks	#12600(RC);

SECTION 5(a)(1) OF THE ACT (Cont.)
  Violations of (Cont.)
    Scaffold (See Unguarded)

Erectors exposed to falling debris	#79-800;
Hazardous	#3028(RC);
Hazardous movement between	#1046;
Improperly supported	#55;
Unsafe connection between two	#2052;
Scrap metal breakup hazardous	#78-216;
Shear pedal mechanism unguarded not recognized	#77-705;
Spark arrestor missing from engine in grain facility	#78-1715;
Spark producer tools used in explosive atmosphere	#78-1715;79-2510;
Storage, high unprotected against fall	#515;
Straddle carrier visibility not	#79-746(RC);
Supervision, improper	#22(RC);
Suspended in backhoe bucket	#3025;
Swing area of backhoe not barricaded	#78-1080;
Swing area of crane not barricaded	#3235(RC);
Tailgate, hydraulic, up for maint. and not locked	#98;

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)

Titanium dust as	Titanium
Trainee permitted to operate defective tractor	#76-85;
Transporting 2 steel beams at once using different slings	#78-2723;
Trench	
Box	#80-1109;
Near recently erected free standing wall	#5288;
Not marked at edge to prevent fall-in	#323;
Not shored	#11;16;19;33;74;
Tripping hazard	#77-3221;
Truck mounted auger not grounded	#76-2413;
Trusees, unbraced	#969;
Under the load	#323;
Unguarded machine	#3;38;58;
Unguarded opening	#60;119;394;471;680;
Unguarded open side of roof	#76-2690(RC);
Unguarded scaffold	#25;

SECTION 5(a)(1) OF THE ACT (Cont.)

Violations (Cont.)

Unguarded steam pressure during maint.	#959;
Unguyed drilling rig	#13111;
Unloading shifted cargo	#5103;
Unmanned receipt of gasoline	#1008;
Unsafe method of transporting wire coils	#78-5170;
Unsafe platform suspended from crane	#77-2876;
Unsafe procedure to uncoupling RR car	#7722;
Unsafe roof hoist	#6526;
Unsafe use of front end loader	#78-2192;
Unsafe walking and working surface on metal screen	#9224(RC);
Unsafe walking near hot metal	#77-3998;
Unsafe working surface on metal screen	#9224(RC);
Unsupported block over doorway	#3287;
Use permitted, of product, for which it wasn't designed	Myers
Using derrick with defective material in supports	#77-807;
Using elev. while maint. work going on	#77-2130;

SECTION 5(a)(1) OF THE ACT (Cont.)

Violations of (Cont.)

Using a tagout system rather than lockout	#77-1797;
Ventilate enclosed workspace	#1264;
Ventilate for hazardous gas	#2276;
Visual contact w/hoist op. while moving elevated load	#78-6253;
Walk on explosive surface w/o prot. shoes	#3818;
Wall	
Brace	#1363;
Cinder block, unshored	#154;370;5288;78-2033;Ashworth;
Construction of	#154;1329;
Hole in w/o lintel	#3287;
Removal of support for free standing	Gen. Dynamics;
Water & damp sand under iron melting cupulo	#14466;
Water in furnace pit area	#79-1728; 79-2600(RC);
Water leaking into cupulo	#77-3622;
Welding in dangerous position	#77-4236;
Whalers	#76-1296(RC);

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)

Willful discussed	#80-7081;
Working at edge of flat roof w/o protection	#77-4139;
Working at edge of floating vessel w/o life jacket	#8416(RC);
Working high up w/o safety belt	#8123;
Working in confined space in hazardous atmosphere	#76-134;
Working in grant silo w/o safety equip.	#2676;
Working near "lodged" tree	#77-1646;
Working next to an unguarded open hatch	#15792;
Working on elevated surface w/o fall prot.	#78-2610;
Working on machine not secured to prevent falling	#7174;
Working on oil derrick at height w/o safety belt	#8123;
Working on shelving not secured against displacement	#12213;
Working on stacked lumber without fall protection	#76-3159;
Working on window ledge w/o safety device	#11552;

SECTION 5(a)(1) OF THE ACT (Cont.)	
Violations (Cont.)	
Working out of elevated bucket of front end loader	#76-4538;
Working too close to high powered line	#2283(RC);3710;
Working unprotected on open sided roof	#77-1568;
Working unprotected on top of graphite electrodes	#7368;
Warning ignored not forseeable	#874;
What is	#10(RC);25;74(RC-Dis);1671;1700; 1716;3025;
Reasonable person recognizes	Ryder;
SECTION 5(a)(2) OF THE ACT (654(a)(2))	
Proof not as stringent as 5(a)(1)	#1531;
Proof required	#76-181(RC);
Recognized hazard not a factor	#3635(RC);
SECTION 5(b) OF THE ACT (654(b))	#258;624;
SECTION 6(a) OF THE ACT (655(a))	#76-5162(RC);78-5577(RC);
Presumption that standard validly promulgated	#4704;
SOL may modify concensus standard in promulgating	#4704;12470(RC);79-4478(RC);
Contra	#77-4333(RC);Kennecott;
SOL's duties not ministerial	#827;
Standards derived from advisory standard	#79-2938(RC);

SECTION 6(b)(5) OF THE ACT (655(b)(5))	
Cost of abatement is a factor in all standards	Am.Pet.Inst.
SECTION 6(b)(7) OF THE ACT	#80-1841;
SECTION 6(b)(8) OF THE ACT (655(b)(8))	#1324;
SECTION 6(d) OF THE ACT (655(d))	#77-617(RC);
SECTION 6(f) OF THE ACT (655(f))	#1410;3367(RC);78-1443(RC);78-5577 (RC);79-4478(RC);
SECTION 8(a) OF THE ACT (657(a)) (See Inspection)	#477;509;744;824(RC);920;1012; 1228;1321;1448;1453;4058;5619(RC); 6052;77-1713;77-3773;79-1325;
Active violation may be checked prior to presenting credentials	#2888;4058;
Complied with if credentials presented to gen.	#6902;78-4989(RC);
Credentials presented after seeing violation	Hartwell;
Credentials presented to guards	#14080(RC);
Equates to 4th Amendment right	#76-3241(RC);
Failure to follow not defective	#5324;
Must make a reasonable eff. to present	#4078;
Preinspection activities in substantial compliance with Act's purpose	#477(RC);3821(RC);4058;
Reasonableness required	
Evid. must be taken re	#77-3170(RC);

SECTION 8(a) OF THE ACT (657(a)) (Cont.)	
Satisfied if cred. pres. to some employers, although not one cited	#6902;
Satisfied if inspection approved by one who had the authority	#1087(RC);80-3592;
"Within reasonable limits" includes harrassment	#78-235(RC);
SECTION 8(c) OF THE ACT (657(c))	#801(RC);4616(RC);
Directory	#8096(RC);
SECTION 8(c)(2) OF THE ACT (657(c)(2))	#76-5033(RC);
Satisfied by following former procedures	#1015(RC);
SECTION 8(d) OF THE ACT (657(d))	#191;1348;
SECTION 8(e) OF THE ACT (657(e)) (See Walkaround - Chicago Bridge - Hartwell - Accu-Namics)	#117;224;477(RC);509;681;6902; 9726;78-5492;
Exposure during doesn't est. viol.	#13832(RC);
Failure to afford must prejudice R	#5572(RC);76-3241(RC);
Failure to substantially comply Prejudice not a factor	#5324(RC);76-1104(RC);76-1739(RC);
Foreman as rep.	#76-4082(RC);
Prejudice required to suppress evid. received in viol. of	#76-4173(RC);Western;
Procedural rule	#1087(RC);3290(RC);Chicago Bridge;
Ship boss as R's representative	#3821(RC);
Substantial compliance with required	#1087(RC);76-4173(RC);C, F & I;

SECTION 8(e) OF THE ACT (657(d)) (Cont.)	
Violation observed before	Hartwell;Hoffman;
SECTION 8(f)(1) OF THE ACT (657(f)(1))	#130;510(RC);2128(RC);3028; 77-3229;77-3338;77-3773;
Inspection based on non-employee complaint valid	#829(RC);
Not jurisdictional	#5520;
Substantial compliance with will satisfy	#14265;76-4636(RC);
SECTION 9(a) OF THE ACT (658(a)) (See CITATION, particularity)	#285;606(RC);764;1037;1321;2128; 2200(RC);3028;3035;3905;5521; 11764(RC);76-2760(RC);76-4507(RC); 78-1455;
Definition of "Believes"	#78-5751;
Does not violate due process clause	Mohawk;
Does particularity requirement restrict amendment	#3035;
Lack of particularity may be cured at any stage of proceedings	#11865(RC);
Where R knows of violation citation may be less specific	#13067(RC);10639(RC);
SECTION 9(c) OF THE ACT (658(c))(6 mo. limit)	#103;118;678;810;1796;3035;3393; 77-1003;78-5984(RC);Gen. Elec.;
Amendment timely since it relates back	#78-3398(RC);
Not factor where amendment offered to timely citation	#4773(RC);
Proscribes issuance not amendment of citation	#78-2923(RC);
Six mos. begins when SOL learns of unreported fatality due to viol.	#15958(RC);

SECTION 9(c) OF THE ACT (658(c))(6 mo. limit) (Cont.)	
Statute of limitations	#76-1924(RC);77-4350;
SECTION 10(a) OF THE ACT (659(a))	#1305(RC);1342(RC);2309;2446; 76-2165(RC);78-4725(RC);79-2041; 80-1345(RC);80-1920(RC); 80-2281; 80-3848(RC);80-4873;80-6575;(RC) 80-6988;
Does not violate due process clause of const.	Mohawk;
SECTION 10(b) OF THE ACT	#78-2696(RC);
Citation under cannot be amended to one under 9(b)	#76-776;
SECTION 10(c) OF THE ACT (659(c))	#1104;1210-P(RC);3632;12831(RC); 76-431(RC);76-4761(RC);79-454(RC); 81-1251P;Atlantic & Gulf;
Employees may not object to withdrawal	#10340(RC);
Only applied against employer	Atlantic & Gulf;
RC will consider abatement extension	Otinger;
SECTION 11(a) OF THE ACT (660(a))	
Adversely effected	
What is	#762;Chicago Bridge & Iron Co.,
Extraordinary circumstances defined	Keystone;
SECTION 11(c) OF THE ACT (660(c))	#5873(RC);
SECTION 12(g) OF THE ACT	#79-2261(RC);
SECTION 12(i) OF THE ACT	
Requires 2 members to agree	Shaw;Cox;Willamette;
SECTION 12(j) OF THE ACT (661(i))	#2309;3550; 76-2802(RC);79-3136(RC);
"Final" interpretation	
RC can revise until CA takes jurisdiction	#15074(RC)
SECTION 15 OF THE ACT (664)	#77-648(RC);

SECTION 17(a) OF THE ACT (666(a))	#4671(RC);77-387; Bethlehem;Nat. Steel;
SECTION 17(b) OF THE ACT (666(b))	
Penalty required	#1315(RC);
SECTION 17(j) OF THE ACT (666(j))	#2091;80-3808S;
Evidence re must be offered	#837(RC);
Minimum penalty required is contrary to	#2535;
SECTION 17(k) OF THE ACT (666(k))	#5(RC);237;258;319;401;403(RC); 714;1126;4514;76-910(RC);77-3041 (RC);78-29(RC);Calif. Stevedore;
Could v. would	Hermitage
SECTION 18(e) OF THE ACT(667)(e)	#76-1201(RC); 76-5344(RC);78-2696(RC);
SECTION 28 OF THE ACT	#191;
SELF-INCRIMINATION	#803;1968;
SERIOUS VIOLATION (See VIOLATION, Serious)	
SERVICE OF NOTICE (See NOTICE)	
Agent of R	#1342;
Who knows who should get it	#76-2165(RC);
By mail	#1324;3508(RC);
Affords due process	#10888(RC);
Regular mail no substitute for certified	#4309(RC);76-2165(RC);
To address furnished but R fails to receive	#10888(RC);77-2720(RC);
Employees entitled to	#78-2485(RC);78-4725(RC);

SERVICE OF NOTICE (Cont.)

Improper as defense	
Must be raised before pleading	#14448;
Of citation refused	#6349;
Of contest of employees	
Not satisified by posting complaint	#458;
Of motion to withdraw	
Failure to	#553;828;971;5898(RC);
Cured in order	#551;
Dismissed unless R cert. service	#971;
Of petition to extend abatement period	#947;
Of settlement agreement	
Must serve employee rep	#2922(RC);6087;
Before submitted for approval	#77-3817P(RC);
Of stipulation	
Must be made on union	#4323(RC);
On attorney if of record	#699;
On foreman at jobsite	Buckley;
Rejected in part	#76-2165(RC);
On joint venture	#79-2270;
On member adequate if joint venture named	Bloomfield;
On President who is absent	#12699(RC);76-4316;
On represented employees	
Must be served	#551;647;4502(RC);4588(RC);
Posting adequate where no employee party status	#1902(RC);4651(RC);5009;7246; 8932(RC);13195;

SERVICE OF NOTICE (Cont.)	
Where not required on union	#2979(RC);
Worksite supt., not R's employee	#1342(RC);
SETTLEMENT	
Abatement date not specific	#78-2146;
Accepted if not repugnant to purpose of Act	#370(RC);78-1155(RC);
Alternative funding	#78-1485(RC);
Approval by judge selective	#78-4449(RC);
Citation withdrawn	#77-1091(RC);
Consistent with purposes of Act	
RC will determine	#76-3749(RC);78-867(RC); 78-1708(RC);78-2146(RC); 78-4449(RC);79-2895;79-2992; 79-5329(RC);
Contingent on RC adopting ALJ ruling on motion	#79-132;
Cost allocation	#76-3621;
Discussion	#78-2600(RC);
Employees	
Entitled to 10 days notice even if done at hearing	#76-2293(RC);
Meaningful participation	#78-127(RC);
Objection to concern with future	#80-5001;
Generally	#76-3749(RC);

SETTLEMENT (Cont.)

Employees (Cont.)	
Objection to (Cont.)	
Limited to abatement date	#77-4109;81-626;
Settlement where object to reductions	#78-3488;
Findings of fact not required	#76-967(RC);
Exculpatory language in (See EXCULPATORY)	#77-3769(RC);78-452(RC);78-1308; 78-4449(RC);79-929(RC);79-2261 (RC);79-5772P(RC);
May encompass more plants than originally inspected	#8182(RC);
Meaningful participation	#78-2600(RC);
Oral	Empire;
Not binding	#77-1091(RC);
Party status	
Union with must participate in resolution	#77-3915(RC);
Penalties	
RC will accept absent objection	#7021;370(RC);
Posting of	#8629(RC); 79-6485(RC);
Affected employees not represented	#79-5557(RC);
As sufficient notice	#77-3769(RC);
Proof of service	#79-5449(RC);
Propriety of	
RC may rule on	#76-3749(RC);
Public interest consideration	#7021;

SETTLEMENT (Cont.)

RC's authority to review	#80-2793(RC); 81-347;
RC cannot vary terms of	#78-4535(RC);79-5772P(RC);
RC has no expressed authority to force parties to agree to comply with standard in specified way	#2975(RC);
RC lacks authority to vary where violation already final	#77-520(RC);
Service on employees required	#77-4174(RC);78-452(RC); 78-1764(RC);78-2485(RC); 79-929(RC);79-5557(RC);
Ambigious certification	#78-4449(RC);
Even if accomplished at hearing	#76-2293(RC);
Service on employee rep. required	#78-446(RC);79-5557(RC);
SOL may even after dec. final	Madden;
Stipulated	
Abatement must be specified	#76-3605(RC);
Abatement not certified	#78-3605(RC);
Since NOC tolled SOL cannot req.	#2967;
Citation may be dismissed	#1364;
Consistent with Act	#3;2017;2354;
Does not admit violation	#756;798;
Employees entitled to 10 days notice even if presented at hearing	#76-2293(RC);

SETTLEMENT (Cont.)	
Stipulated (Cont.)	
Exculpatory language	
Employee objection	#6283;79-2261(RC);
Issues not contested	#13693;
Judge cannot depart from	#5543(RC);78-4449(RC);
Language re future comp. not included	#2967;
Must serve agreement on employee rep. Or post	#2922(RC):3420(RC);4958(RC); #4258;4323(RC);
Only RC can approve if NOC	#76-2293(RC);
Rejected by Judge	#76-1056;
Union must agree or go to trial	#6087(RC);
Trial counsel can't bind party	Empire;
Union	
Cannot object to method of abatement	#2786(RC);2975(RC);76-3748;
Must be given adequate notice	#77-3817(RC);
Must agree to stipulation or go to trial	#6087(RC);
Objection to exculpatory language	#78-3257;
Objection to penalty reduction	#79-2362;
Participation in	#6087(RC);76-3749(RC);76-4572(RC); 77-3752(RC);79-1905;79-5372; 81-626;

SETTLEMENT (Cont.)	
Vitiates need to respond to Show Cause Order	#80-2234;
Withdrawal by both parties	#1853;
Where SOL will not proceed, employee may not	#6661(RC):
SHIPBUILDING	
What is	#3235;
SIMPLIFIED PROCEEDINGS	#80-1509S;80-1987S;80-2261S; 80-2584S;80-2809S;80-3545S 80-3808S;80-4309S;80-4822S; 80-5006S;80-5271S;80-5575S; 80-7140S;80-7276S; 81-346S;81-954S; 81-1366S(RC);
SITE CLEARING	
Grading is not	#967(RC);
SIZE OF BUSINESS (See under Penalty)	
Equated with ability to pay	#11048;
Factor in penalty	#4;
Small	#98;
$100,000 as	#3097(RC);
$2,500,000 as	#1715(RC);
Average	
$7M gross	#6790(RC);
Gross business and total employees	#119;3035;3271;
Over 1.8 million	#2431;
Under 1/2 million	#7292;
Not established on record	
No credit for	#1886;

SIZE OF BUSINESS (Cont.)	
Number of employees valid index to det	#93;119(RC);15538(RC);
183 employees large	#8454(RC);
Official notice of fact R is large	#38;
Small	
$100,000 to $1,000,000 annual gross	#78-3979;
SLOPING TRENCH WALLS	
Not measured	#9990;76-910(RC);
SOIL	
"Average"	#76-2802(RC);78-3337;79-2471;
Condition of	#80-1880;
Est. by lay testimony	#13008;
Geologist not required to est.	#3543(RC);
Not determined by feeling the soil or eyeballing it	#13488;
Scientific testing not required	#16029(RC);
Peorian loess	
Unstable (See)	#3197;
Pumpy	#78-2528(RC);
Sample taken long after inspection	#15414(RC);
Soft	
Clay is	#78-4133;
Soft or unstable	#2060; 76-2802(RC);80-2571;
Means same as "danger from moving ground"	#15094(RC);76-1228(RC); 79-234(RC);

SOIL (Cont.)	
Predominantly sandy soils are	#16029(RC);80-7175S;
Test reliability	#76-1228(RC);
SOLICITOR OF LABOR	
Int. of standard entitled to certain deference	Calif. Stevedore;
Only one who can enforce Act	#10340(RC);
SPEED	
Estimation of	#10127;
STANDARD OF CARE	
Higher than inadequate industry standard	#15565(RC);
STANDARDS	
Adoption	#1105;2818;4253;10757(RC);
Improper alleged by R	#10757(RC);76-3961;
Private advisory standards	#78-4482;78-5289;
Under 655(b)	
Cannot vary requirement of source	Diebold
Walsh Healey Act	#76-5162(RC);
With substantial alteration	#77-4333(RC);78-2862(RC);
Advisory	#12715(RC);76-406(RC); 76-2894(RC); 76-2938;78-2862(RG);
Not basis for violation	#80-927;
All apply to each worksite	#5008;
Ambiguity in resolved to elim. hazard to which addressed	#76-1513(RC);

STANDARDS (Cont.)	
Advisory (Cont.)	
Ambiguous	#676(RC-Dis);680;1043;
Amendment of	
Not by DOL bulletin	#3162;
Not retroactive	#3230;3233;
Only after rulemaking	#2931(RC);
American Conf. of Gov. Indus. Hygienist	#11756(RC);77-2846(RC);
Ancestor	#79-4478(RC); 12525(RC);13401(RC); 13874(RC);15690(RC);76-181(RC); 76-891(RC);
ANSI	
Advisory only	#78-797;
May be adopted with substantive changes	#2973;
Contra	Pittsburgh;
May be adopted without headnote	#3367(RC);
Unadopted sections not applicable	#16188(RC);77-3432;
Applicability of may be raised anytime	#3982;11344(RC);80-5810;
Appropriateness of for SOL	#76-1410(RC);
Attacked before Review Commission	#1191;1410;
Availability	
Search for must include OSHA	#14886(RC);
Avoids dependence on human conduct	#78-1600;

STANDARDS (Cont.)

Broad terms of	
Burden on SOL to identify assignment measures	#80-2087;
Doesn't make vague	#12208;
Must look to ind. practice & experience	#12686(RC);
Interpretation of	#1541(RC);
Cannot cover every conceivable situation	B&B;
Changed from ANSI	#1572;
Advisory to mandatory	Pittsburgh
Citing of	
Must be with particularity	#1763;
Obvious section but typo error	#1113;1228;
Clear language relied on	#211(RC);
Clear changes to	
How accomplished sub. to publication	#2885(RC);
Clumsiness in drafting doesn't negate	Irvington Moore;
Collateral attack not permitted	#326;410;498;700;1009;1531;2218;
Compliance partial	#76-4114(RC);
Compliance with may require adequate training	#12600(RC);
Conflict between private and OSHA	#6988;
Constitutionality of	#345;1863;
Test is whether reasonable prudent man familiar with industry would have protected	Cape & Vineyard;

STANDARDS (Cont.)	
Constitutionality of (Cont.)	
Where penalty for conduct unacceptable in light of common understanding and exp.	Cape & Vineyard;
Construction industry (See CONSTRUCTION STANDARD and CONSTRUCTION WORK)	
Apply to demolition firm	Cape & Vineyard;
Apply to oil & gas drilling	#15631(RC);
Contra	#76-4149;76-4668;
Drilling industry not covered by	#77-3803;
Not app. to const. eng. firm	#1038;1689;
Oil and gas drilling	#76-2131;76-2945;76-4297;77-805 (RC);
Validly adopted	#5303(RC);Nat.Roofing;
Wire splicing not under	#76-186;
Construction of (See Interpretation, this heading)	
To protect employees	#117;345(RC);507;525;680;687; 700;793;922;945;1113;1225;1299; 1399;1863;4291;4445;4766;6286; GAF;
Must give adequate warning	#78-3568;
Not to render superfluous or ineffective	#76-2120(RC);
Control of potential hazard	#13591(RC);
Definition of words in	
Based on facts applicable to	#76-4636;

STANDARDS (Cont.)
  Difficult to comply
    Not factor #3304;16062(RC);

  Difficult to interpret #85;680;700;1060;1221;

  Disregard of gives rise to substantial prob. that serious harm could result #39;

  Does not meet Sec. 3(8) of the Act #793(RC);

  Does not meet Sec. 3(9) of the Act #1572;

  Effect of incorporating ANSI #12176;

  Effective date of #306;657;827;1307;2081;

  Environmental Impact Statement
    Not issue for Review Commission #3449;

  Erroneous
    Corrected by stipulation #378;

  Established Federal
    Term of Act #1307(RC);

    What are #563(RC);

  Exception to
    R must prove #4415(RC);13155(RC);14536(RC);

  Exemption for certain const. contracts (See Effective Date)

  Exemption from
    Burden of proving on party claiming #14536(RC);

    Examples of not restrictive #3544;

STANDARDS (Cont.)

"Exposure to a hazardous condition" too general in standard	#5320;
Failure to furnish copy of to R	Savini;
Fall protection discussed	#4537(RC);
Fed. R.R. Act	#78-5805(RC);
Force of law	#1399;6287;Florida Peach Growers;
When properly promulgated	#7683;
General industry	
Applicability to shipbuilding	#4503(RC);
General provisions of cannot be substituted for 5(a)(1)	#923;
Guard does not have to make safer	#3041;
Hazard protected by does not have to be proved	#1105(RC);14291(RC);79-2220;
Heading of not controlling	#13750(RC);
Headnote	
Explanatory and not part of	#3367(RC);
Integral part of	#2920;
Impossibility of compliance	#239(RC);295;703;2043;
Impractical to use	#117;295;1492;
Imprecise doesn't make vague	Ryder Truck;
Inadequate notice	#79-310(RC);

STANDARDS (Cont.)

Include other by reference	
Reasonable availability may be rebutted	#5225(RC);
Incorporation by reference OK	#5225(RC);14886(RC);
Inconsistency in	#10923;76-4558;
Incorporation by reference	#5225(RC);79-3163;
Presume done in accord. with APA	#15538(RC);
Incorrect ANSI standard	#1883;
Incorrect citation of	#1113;1166;1284;
Interpretation by Review Commission	#295;
Indefinite	
R doesn't object	#1883;
Industry custom & experience	B&B;
Initial promulgation of	#2920;
Interim	
Not well known in industry	Diebold
Promulgation of	#563(RC-Dis);
Interpretation	#1263;1906;12470(RC);78-449(RC); 79-4478(RC);Diamond; Bethlehem #2;
By ANSI Comm. ent. to careful consider but not controlling	#9968(RC);
By employer	
Should not have to guess	Kent;
CO's carries no weight	#13955(RC);

TANDARDS (Cont.)

Interpretation (Cont.)

Construed liberally to effectuate purpose of Act	Anaconda (note 6);
Construed as not containing meaningless or superfluous words	#3635(RC);
Economic reality prevails over technical concepts	#14096;
Ejusdem generis	#16188(RC);
Effectuate purpose of Act	#12523(RC);76-256(RC);
Express mention implies exclusion of unmentioned	#1916(RC);
Force & effect of statute	#78-1353;
Must be reasonable and consistent with purpose	#76-3100;76-5197;78-1877; Gerosa;Langer;GE;
By CO not controlling	#4291;4306;
Overlapping violations	#76-4765(RC);
Plain meaning prevails	
Over what SOL meant	#16188(RC);78-139;Bethlehem #2; Kent;Anaconda;
Review Commission	
Administrative	#80-4193S;
Entitled to great deference	RMI;
Will not stretch to cover unplanned situation	#76-2326(RC);
Will prevail over SOL	Fiegen;

STANDARDS (Cont.)

Interpretation (Cont.)

Rules applicable to	**#10825(RC);**
SOL's	
And RC at odds	**Anaconda;**
Entitled to great weight	**Southern Colo.;Southern Contractors Ser.;Pike;**
But not if frustrates congressional policy	**Kent;**
Controlling unless plainly erroneous GAF;	
Followed by R	**#72;1531;**
Labor Dept. not estopped by	**#4845(RC);**
Private matter	**#4845(RC);**
May refer to NFRA	**#79-1575;**
May not amend standard	**#77-616;**
Of adopted not entitled to weight of rule made	**Pittsburgh;Anaconda;**
Telegram re	**#4809(RC);**
Severability	**#77-3358;**
Strained not required	**#76-3961;**
Verbatim not required	**#12470(RC);**
Warning of what employer must do is required	**#78-3568;**
Where intent is clear	**#4892(RC);**

STANDARDS (Cont.)

Interpretation (Cont.)	
With reasonableness	#5613;
Invalid promulgation	#1105;1572;5625;6742;
Judge may not substitute his policy judgment for SOL	#983;1863;
Judge may not question wisdom of	#2739(RC);
Judicial review of	Arkansas;
Language and intent control	#364(RC);
Liberally construed	#687;
In favor of employees	Irvington Moore;
Local custom does not change	#77-3773;
Mandatory takes precedence over advisory	#78-1907;
Matter included by reference need not be published	#782(RC);
More than one applies	
More specific prevails	#3769;
Most require compliance when certain conditions exist	#76-93(RC);
Must apply to industry involved	#3235(RC);
Must be clear	Diamond;
Must be read in conjunction with other standards	#3624(RC);

STANDARDS (Cont.)

Must decrease hazard and not increase it	#2043;2792;
Must specify what R must do	#331(RC);793(RC);1689;3811;
National concensus	#563;
Deviation from	#1919;
NFPA to petroleum industry	#2128;
Industry rep. must attend to make them such	#2128;
Re mercury	#563;
Re sawguarding	#945;2043;
National concensus	
Requirements for	#2271;
Need to be detailed	#1228;
Need not be drawn with math. precision	Diebold
No alteration from source	#12597(RC);
No guideline to compliance	#9334;
No relation to safety	#1863;1907;
Not clear	#1295;
Not substitute for 5(a)(1)	#1229;
Notice	
Contra	#78-5805(RC);
Pub. in Fed. Reg. gives	#14886(RC);

STANDARDS (Cont.)

"Occupational Safety and Health" Term of Act	#1307(RC);
Only apply if there is a hazard	#3066;
Partial compliance all that is feasible	#524;
Particular supersedes general (See 1910.5(c)(1))	#211;368;507;525;1060;1229;1689; 1740;1807;
Pedestrian not protected by	#247(RC);
Performance level specified Not vague	#3449;
SOL must est. feasibility	#78-2128;
Petition for variance doesn't toll	#914;
Practicality not an issue	#1710;
Preemption FRA	#78-5805(RC);
Only if particular hazard is addressed	#14523(RC);
Promulgation of	#258;563;1105;2384;2818(RC); 2862(RC):2997(RC);2998(RC); 5303(RC);11756(RC);12470(RC); 12525(RC);76-891(RC);77-4333(RC); 78-1443(RC);79-4005;79-4478(RC); 80-1841;
Defect in may not be tried before RC	National;
Delegated to SOL	#3304;

STANDARDS (Cont.)	
Promulgation of (Cont.)	
Improper	#2346(RC);2739;3367(RC);6493(RC); 7238(RC);7413(RC);12460(RC); 77-2840(RC);80-1841;Kennecott;
Incorporation by reference	#782(RC);5225(RC);
Invalid	#80-3295;
Proper	#2346(RC);3367(RC);6493(RC); 7238(RC);
Force of law	#5006;
RC may not review	#2975;6742;
Reversed	#5958(RC);10757(RC);Atl. & Gulf;
"Should" to "shall" not proper	Kennecott;
Valid even tho every employer does not agree	#1694;76-171(RC);
Verbatim not required	#5298(RC);
Without hearing	#2885;
Protection not necessary	
Decision not within province of RC	#14523(RC);
Provide for safe and healthful workplace	#1928;
Republication doesn't affect	#3449;
"Reserved"	
Meaning of term	#1416(RC);76-2049(RC);
R may not ignore those it doesn't agree with	#9225(RC);

STANDARDS (Cont.)	
Review Commission interpretation controlling	Fiegen;
Resolving ambiguity	#15855(RC);78-1562;
Review Commission may not change	#117;522;676;1207;2218;
Reversed	#5958(RC);
Review of by Review Commission	#5958(RC);Arkansas;Atl. & Gulf;
Revision of	
Based on interpretative rule	W&W Steel(CCH23,807);
By SOL to reflect RC decision	Fiegen;
Not by program directive	#1906;
Substantially different from ANSI SOL must say why better	AFL-CIO;
Safeguarding specific	
Burden on R to show compliance impossible	#77-1091;
Shoring, Steel Scaffolding and Concrete Institute	#80-4810;
Silica dust	#4678(RC);
Silicosis or pneumoconiosis	#80-4340;
SOL changes advisory to mandatory	#78-1907;
Soundness of	
Not issue for RC	#295;589;2218;
Source of	#2885;
Invalid but not proper to raise in RC proc.	National
Specific before general standard	#161;211;345;1807;1906;2885;2888; 4237;4291;76-190(RC);77-3773; 78-1908;80-2760;
1926.700(a) over 28(a)	#77-4089;

STANDARDS (Cont.)	
Specification type	
Burden of proving compliance not feasible is on R	**Burgess;**
Hazard presumed	**#75-530(RC);**
Violated but safety not diminished	**#15983(RC);**
Specificity of as issue must be raised by parties	**#1097(RC);**
Steps taken just as good not defense	**#3142;**
Subject to different interpretations	**#1221;**
Subsections of	
Consider independently of each other	**#211(RC);**
Substantial compliance with	**#3931;4705;**
Technology forcing	**Diebold**
Titles and topic heading of, meaning	**#76-2049(RC);76-2643;80-5124;**
Types of	**#4537(RC);**
Unconstitutional	**#793(RC);1863;**
Unlisted substitute not acceptable	**#1445(RC);**
Unreasonable	
Heavy burden where SOL & RC agree	**Pike;**
Vague	**#139;211;331(RC);344;507;525;563;594;793(RC);827;1045;1221;1229;1863;2246;2287;79-4615; Allis Chalmers;**
Based on reading of other standards, codes & industry custom	**#76-2049(RC);**

STANDARDS (Cont.)
Vague (Cont.)

Common understanding & practice used to determine	#76-891(RC);Ryder;
Decision on prior to hearing	#5181;
Defined	#331(RC);2538(RC);6499(RC); 79-1552(RC);
Determined in light of conduct to which applies	#76-5271(RC);
If R may also det. if cond. hazardous	#302(RC);
Interpretation less exact than criminal law	#676(RC);
Judge lacks authority to hold	#1690(RC);
May be cured by looking to application at worksite	#12831(RC);
Noise standards not unenforceable	#6352(RC);
Not if conveyed reasonable understanding of conduct required	#76-4765(RC);McLean;Diebold;
Not if employer only required to act reasonably	#5303(RC);
Not if exercise of judgement required	#76-1803(RC);80-1841;
Not if fails to specify how to correct	#2038;5008;
Not if it adequately informs of requirements	#3975;
How to correct	#2038;

STANDARDS (Cont.)

Vague (Cont.)

Not if it sets reasonable warning of proscribed conduct	#77-4343;
Only R can raise	#302(RC);
Other regulations and workplace customs may define	#331(RC);1541(RC);
Respondent must raise	#302;
Specifying performance level doesn't make it vague	#3449;
Subjective judgment only test	#331(RC);594;1863;4291;
Vagueness	#331(RC);510(RC);676;764;946(RC); 1399(RC);3367(RC);4291;5933(RC); 10616(RC);15690(RC);80-1841; Hoffman;
Criminal or First Amend. cases not helpful	Jensen;
Definition	#1087(RC);
Determined by reasonable man test	#5303(RC);76-190(RC);76-1053(RC); McLean Truck;B&B;Bedford Gas;
Industry custom & experience	#81-920;B&B;
Issue for RC	#1126(RC);
Judge may not raise sua sponte	#1263(RC);
Must be raised before ALJ	#1097(RC);
Test for	#79-1552(RC);Allis-Chalmers;

STANDARDS (Cont.)	
Validity of	#79-4478(RC);
Affirmative defense	#782(RC);
Ancestor standards	#12525(RC);13401(RC);13874(RC); 15690(RC);76-181(RC);76-891(RC); 79-4478(RC);
Author. of judge to rule on	#8280;2944(RC);
Determined as part of enforcement proceeding	#2271;
Inherent in RC authority	#2271;
May be tested before RC	#2920;Atl. & Gulf;
Publication of prepared std. by media	#79-1552(RC);
RC may consider	#3973(RC);10925(RC);11869(RC); 12470(RC);12525(RC);77-4333(RC); 78-1443(RC);78-5577(RC); 79-4478(RC);
Variance	#1207;
Violates due process if each CO may interpret	#4291;
Violation of, only subjective	#2739;
"Whenever it is necessary by reason of hazards" (1910.132(a))	#1541(RC);
Where corrective action not indicated SOL cannot, with hindsight, impose his judgment on R's course of action	#3905;
"Wherever practical" (29 CFR 1910.252 (c)(2)(v))	#1576;

STANDARDS (Cont.)
  Wisdom of #295;524;983;3561;
    Not function of RC to determine #199(RC);319(RC);1924;2739(RC); 5007(RC);6765(RC);10757(RC); 15721(RC);76-93(RC);78-414;

  29 CFR 1926
    Genesis of #1295;

    Properly promulgated #1130;

STANDARDS (By specific number see end of index)

STANDING
  Union to contest withdrawal #12677(RC);

STARE DECISIS #76-140(RC);

STATE INSPECTOR
  Opinion of
    Subordinate to RC #13529(RC);

STATE PENALTY #2014;2339;

STATE PLAN #76-1201(RC); 76-5344(RC);

STATEMENTS (See Evidence) #78-2696(RC);

STATUTE
  Construction of #244(RC);1113;1210(RC);1399; 10825(RC);10849(RC);Budd;Diamond;
    By SOL entitled to great weight Kesler;GE-III;Kennecott;

    Fair notice of proscribed conduct required #79-1388;

    Leg. process used to reach rather than views of legislators So.Pac.Trans.;

STATUTE (Cont.)	
Liberal construction, remedial	#2969;78-1353;Nat.Realty;Ryder; Diamond;
Progressive construction	#79-5762(RC);
Purpose prevails over literal reading	#3367(RC);
Read as a whole	#79-1388;
Specific prov. prevails over general	#744;1060(RC);1399;(Brief);1482;
Words given plain meaning	#79-1388;
Of limitations	#15958(RC);78-5954(RC);
Literal meaning of words	#224(RC);13750(RC);76-119(RC);
STATUTE OF LIMITATIONS	#15958(RC);77-2752(RC);79-2993;
STIPULATION	
Acceptance or rejection mandatory	#4;756;
Acceptable language for (See Exclupatory Language)	#798;1566(RC);1647;2194;
Admission in other proceedings - not	#798;1034;1881;
Approval of	#618;628;629;
As motion to withdraw	#816;1092;1398;
Decision must act on motion	#1092;
Basis for decision	#1873;
Conclusively establish facts	Todd II

STIPULATION (Cont.)

Consistent with provisions of Act	#3;130;215;2354;
Contra	#756;1566;
Decision on	#78-2049;
Judge bound by	#4;80-119;
Contra	#494;675(RC);
Unless evidence to support	#693(RC);
Unless he advises both sides to contra	#4;
Unless justice dictates otherwise	#881(RC);
Not admissible in other proceedings	#798;1034;1881;2017;
Of facts	
Decision on	#703;
Pre-trial	
Binds parties	Forteza;
Pro-se's unfortunate, facts binding	Roanoke
Read in light of each party's knowledge of its theory of case	#13171(RC);
Respondent bound by	#2347;
RC still bound to det. penalty	#370;777;
RC will not pierce if not repugnant to Act	#1759(RC);
Service on union necessary	#4323(RC);
Transcript of prev. case	#77-3949;

STIPULATIONS (Cont.)	
Treated as motion to withdraw	#1941;
Unclear	
Judge's understanding entitled to great weight	#4419(RC);
Withdrawing but not admitting OSHA viol.	#756(RC);798(RC);1566(RC);1846;
STOCKHOLDER IS EMPLOYEE	#440;1424;1960;4012;
STORAGE	
Material in does not violate standard	#497;
What constitutes	#402;2414;76-1480(RC);
STRIKE	
Threat of if standard enforced	#6565(RC);
SUBCONTRACTOR (Also see EMPLOYER)	
Actions to have general contractor abate viol.	#16110(RC);16256(RC);
Affirmative defenses available to	#11259;15598(RC);
Const. knowledge if hazard easily discovered	#13595(RC);
Defenses available	#13122(RC);16110(RC);
Did not create or maintain violation no excuse	#78-3899;
Duty to abate	#78-3575;
Duty to provide safe workplace	#78-4823;
Employees of charged to general	#77-3966;

SUBCONTRACTOR (Cont.)

Knowledge of general's poison gases	#78-3607;
Liable if employee exposed	#146;412;413;504(RC);610;674;725;781;1375;1615;1715;1727;1757;1953;1971;1973;1991;2011;3760;4760;4986;9507(RC);Central of Ga. (See 76-1408(RC));
Affirmative defense if he took steps to avoid	#8468(RC);76-2390(RC);
More than merely asking for corr. once	#76-88(RC);77-2331; (See 76-2390(RC));
Even if other employees exposed	#3901(RC);
Even if violation other employer's resp.	#2431(RC);4635;8468(RC);
Explained	Bratton
Materialman equates with	Beatty;
Must do what is realistic to protect its employees whether ser. or NS	#13122(RC);4409(RC);76-1844(RC);76-2902(RC);80-3063;
Must attempt abatement or protect employees	#12775(RC);76-88(RC);76-2623(RC);77-3058;
Must survey and inspect worksite to preserve safety	#11771;76-5089(RC);
Must take reasonable efforts to protect employees	#76-1305;76-3105(RC);80-4822;
Need not anticipate general contractor creating hazard	New. Eng. T & T
Not liable for general violation to which his employees not exposed	#412;1128;

SUBCONTRACTOR (Cont.)	
Not liable for nonserious violation he didn't create	#5192;Anning-Johnson;
Not liable for violation based on construction by general	#3643;
On govt. contract & govt. resp. for viol.	#15825;
Posting OSHA poster	#2007;
Realistic alternative measures must be taken	#4409(RC);12775(RC);16147(RC); 76-2390(RC);76-2902(RC);79-3489;
Reasonable effort to abate violation of other's	#76-1703;
Relation to prime (general contractor)	#146;154;78-5492;
Scaffolding erected & maintained by general	#76-2411;
Who is	#1445(RC-Dis);
Willful viol. not est. if following general's orders	#78-3494;
Working on scaffold erected by another	#3643;
SUBPOENAS	
Failure to obey	#80-520;
Respondent's photographs subject to	#10833(RC);
Time of service before appearance	#7674(RC);
SUBSTANTIAL EVIDENCE (See EVIDENCE)	

SUBSTANTIAL PROBABILITY	
Discussion of	#1(RC);5(RC);6;403(RC);680;714;1020;1049;76-1803(RC);78-1710;80-2540S
Satisfied if accident simply possible	#11286;
SUMMARY JUDGMENT	
Granted to respondent	#2537(RC);10198;
Based on affidavit opposed by agrument only	#2873(RC);
Based on unanswered requests for admissions	#10198(RC);
Collateral estoppel as basis for	#7855(RC);
Court of Appeals quashes citation	#77-2795;
Denied to petitioner but granted to opponent	#78-4044;
Dispute over immaterial facts	#78-5940(RC);
Judge may withdraw grant of later	Prestress
No affidavit nor authenticity	#78-5940(RC);
When to grant (No issue remaining)	#10952(RC);15265;
SUPERVISION	
De Facto foreman's knowledge imputed to R	#76-1174(RC);77-979;
Delegated	#76-4271(RC);
Duties define and not title	#4307;

SUPERVISION (Cont.)

Every boss is not	#4307;
General disc.	Pike;
Improper created hazard	#22;184(RC);
Inadequate	Danco;
May not rely on other employer's over its employees	#16096(RC);
Not minute by minute or over areas employees not expected in	#295;Gen. Dynamics;
Not one on one at all times	#89(RC);184(RC);77-3014;
Obligation of	#154;16096(RC);Pike;
Oiler by crane operator	#1320;
Over traveling employee	#16096(RC);
Required over experienced employee	#8478;
Less than inexperienced	#77-2115(RC);Gen. Dynamics;
Violation not unforeseen if within scope of work	#5811(RC);14193(RC);

TELECOMMUNICATIONS
  Now under construction standards #4210(RC);

TEMPORARY LABOR CAMPS #78-1103(RC);79-5715;80-917;

TESTIMONY
  Conflicting
    Judge's ruling will not be disturbed #2739(RC);

  Different from that offered pursuant to Discovery #1889;

  Equivocal by Compliance Officer #80-7048;

  Expert opinion
    Other safety regulations as #19;

  From faulty memory #137;

  Grain dust #80-5309;

  Interest of witness to be considered #1367;

  Not credible #8387;79-1431;

  Not relied upon because of interest in outcome #19(RC);

  Opinion unsupported by tests #827;

  Uncontradicted must be accepted #15426(RC);

  Vague, etc. #299;439;2042;78-332;79-1585;

  Weight and credibility
    Factors re #1040;

TESTING	
Accuracy of	#76-3270(RC);
Exposure to welding fumes	
Meter inside welding hood	#76-3816;
Min. safety distance	#76-3270(RC);
More than opinion or estimate required (See Burden of Proof)	#180;640;827;836;849;2477;
Noise levels	
When spot checking adequate	#3827;
Not necessary where labeled unless contrary evid.	#76-2360;
Reasonable amt. of all that is required	#77-580;
Samples may establish cumulative levels	#14702(RC);
Scientific not required of soil sample	#16029(RC);
Smelling gas	#80-4107;
Soil analysis reliability	#76-1228;
Soil sample 3 months after inspection	#777;
Subsequent to insp. but under same conds.	#13916(RC);
To determine air contaminants	#10;3359;15411(RC);76-190(RC);
To determine nature of liquid	#836;
To determine noise level where it fluctuates	#2116;

TESTING (Cont.)
- Where required
  - Cannot establish general duty violation #1264;

THEORY OF CASE
- May be changed #4395(RC);

TIME
- Computation of
  - Direction for review #494;722;
  - Federal holidays not included #1551(RC);
  - Respondent's holidays are included #76-2165(RC);
- Extension of
  - Not by letter using wrong citation date #605(RC);
- Specified in Act
  - Juridictional #849;
- Specified in RC rules
  - Discretion vested in Judge #849;

TOILET FACILITIES
- Cost excessive to provide additional #511;539;
- Lack of privacy
  - DeMinimis violation #123;
- Private residence #211;
- Under employer's control #511(RC);

TOOL
- Ownership of not material #3391;

TORT LAW
- Principles not applicable Ocean;

TRADE SECRETS	#4385(RC-I & II);76-2005(RC); 77-3206;77-3861(RC);
Burden of est. on one who claims	#4385(RC-II);Reynolds II;
Decision comment to protect	#78-4177;
Includes confidental matters	#76-3969(RC);
No basis for restricting expert to federal employee	#15965(RC);76-1220(RC); 76-1468(RC);76-3939(RC); 76-4757(RC);77-69(RC); 77-648(RC);77-1550(RC);
Protected by prot. order where nonfederal employee used	#76-1468(RC);77-648
All that is required	#76-3969(RC);
Liquidated damages for disclosure not required	#77-3481(RC);
R must raise issue of	#77-648;
TRACTOR	
Not a machine	#8274(RC);
TRAILER	
Includes semi-trailer	#849;
TRAINING	
Lack of may establish unsafe workplace	#922;12212(RC);79-199;
R must rebute	Danco
Learn on the job not a program	#78-2818;
What is	#1264;12847(RC);

TRANSCRIPT (See Hearing Transcript)	
Correction	
Witness now deceased	#77-1925;
Errors in must not prejudice	#78-661;
Incomplete	
Due to faulty equipment	#204;14096;
Reconstructed by ALJ from notes	#77-4204;
Incorporating prior into current record	#76-2841;
Omissions in	
Method of handling	#77-1300(RC);
Must be material	#77-1300(RC);
Not basis for reversal	#77-1300(RC);
Portion lost	#3322(RC);
TRANSFORMER	
Top not workspace requiring railing	#329;
TRENCH OR EXCAVATION (See Lockrem)	
Backfill	
As exit from	#5743;
Effect on	#3543(RC);
Box	#80-1109;
Cannot exceed 15' in width	Federico;
Defined	#344(RC);867(RC);1871(RC);3312;3847(RC);4029;4090;4106(RC);4136;4300;4395(RC);4553(RC);9157(RC);10117;79-2471;79-6247;80-4107;

TRENCH OR EXCAVATION (Cont.)	
Defined (Cont.)	
Equivalents	#7454(RC);
Definition not controlling	#4136(RC);
Depth	
Must be over 5' on both sides	#3312;
Distinguished	#4090;6969;79-4462;
From bank	#80-7048;
Effect of freezing on soil	#2506;
Establishment of depth	#3025;
Excavation is trench but not vice versa	#78-4434;
Excavation not a trench	#80-7048;
Excavation standard applies if no trenching standard	#8407(RC);
Hard & compact soil	
Peorian loess	#3197;76-1228(RC);80-3703;
Measurement at bottom determines	#4553(RC);5479(RC);7373; 9522(RC);14188(RC);
Not a hole	#4351;
Shoring	#522;76-256(RC);80-4889;80-5171;
Injury while	#997(RC);
Lack of work rule re	#79-3596;
Only if more than 5' exposed (Trench box left less than 5' exposed)	#8845;

TRENCH OR EXCAVATION (Cont.)	
Sloping	
Does not change	#7455;
From bottom	#76-2802(RC);
Each side must be	#78-5260;80-7175S;
Need not be mathematically precise	#7373;
Only above 5' mark	#1871(RC);3004(RC);7373;8845;9508; 80-3703;
Soil (See)	
Condition based on whether wet or dry	#5743;
Stable - cit. dismissed	#3435;
SOL must show unstable	CTM;
Table P-1 applies to both	#2507;
Table P-2	#80-5171;
Technical distinction	#78-2558;
Trench not excavation	#9157;79-4462;
Vague standards	#80-2571;Lockrem;
Vibrations affecting	#76-256(RC);
Wider than deep as trench	#7454(RC);14188(RC);
TRIAL	
By consent	Marquette;
Jury not required	Atlas Roofing;
Respondent failed to appear	#7407;

TRIAL (Cont.)
  Speedy sought **#4845(RC);**

TRUCK
  As workplace **#433;**

UNGROUNDED ELECTRICAL OUTLET	
Damp area	#91(RC);
UNION	
As party must be served	#551;
Cannot challenge Sect. determination of abatement by NOC (See Abatement)	#562;
Not entitled to party status but allowed to intervene	#78-127(RC);
UNREASONABLE, CAPRICIOUS & ARBITRARY	#3905;
U. S. CODE	
Title #5, Sec. 554	#1060(RC);
Title #5, Sec. 557	#1060(RC);

VACATE
- By RC for G failure to certify NOC — #1106;
- Form of for R to withdraw NOC — #729;
- Item in citation forming basis for dismissed complaint — #1006;

VAGUENESS (See Standard)

VARIANCE FROM STANDARD
- Application for after citation — #4408;
- Employer apply to SOL — #1531;
- Not within RC jurisdiction — #295;1941;
- Solely up to SOL — #563;
- Standard not tolled by — #914;1671;
- Violation, action on stayed pending action on variance — #2792;

VENTILATION SYSTEM
- Testing must establish inadequate — #77-3412;

VIEW OF SCENE
- Not required — Mohawk

VIOLATION
- Abatement
  - Establishing — #76-3010;
  - Method creates new hazard which outweighs one cited — #78-3992
  - Methods to prevent 5(a)(1) must be demonstrated — Myers

VIOLATION (Cont.)	
Abatement (Cont.)	
Need not be shown in 5(a)(2) issue	#3113(RC);7925(RC);
Absence of injury not factor in	#5324(RC);
Access based on reasonable predictability	#76-216;
Access determines	#2295(RC);
Access sufficient to establish	#3108;8721(RC);13122(RC); 15538(RC);16057(RC);76-4940(RC); 78-3234;78-4823;79-3189;Gilles;
Presumed	#78-2439;
SOL must est.	#76-799;
To edge of roof	#78-2184;
Accident	
Cause of does not establish violation	#16096(RC);
Does not establish	#89;190;219;378;402;441;522(RC); 969;1367;1806;1979;2384;5157; 6971;77-4130;78-866;78-3899;
But raises question of training adequacy	Gen. Dynamics;
Exception in case of crane hitting power line	#1481;
Lack of does not mean no viol.	#4985;15405(RC);77-4130;79-6180;
Not unavoidable where employees not properly informed	#4675(RC);
Occurrence of and facts surrounding may est.	#76-2551(RC);

VIOLATION (Cont.)	
Accident (Cont.)	
While installing shoring	#76-2523(RC);
Admission of by R conclusive	#667;
Alcohol	
Affecting action of employee	#78-866;
Alleged in alternative	#78-1485(RC);
Alleged of standard but not cited	#2384;
Alternative standard	#3217(RC);
Amendment of by Judge (See AMENDMENT)	
Another employer's	
Debris as to R	#690;
Resp. as to sub.	#690;
Assumption by CO not evid. of	#979;8907;
Availability establishes, actual use not required	#13832(RC);
Based on	
Demonstration for CO	#77-4009;
Inadequate inspection	#1506;
Opinion of nonexpert CO	#4910;
Being corrected at time of inspec.	#1142;
Breach of	
Ordinance doesn't est.	#1363;

VIOLATION (Cont.)
  Breach of (Cont.)
    Rule as defense (see violates safety rule) #9726;

        Unusual cir. to absolve #85(RC);

  Brief exposure contrary to insts. not #4427;

  Burden of Proof (See)

  Business subsequently sold
    As to old and new owners #4253;

  Caused by other employer #1722;

  Cited standard
    Evidence doesn't est. although other viol. may exist #2538(RC);
        Not before the Judge #522(RC);

    Evidence doesn't est. although other viol. shown but not cited #247;899(RC);1229;2538(RC);

  Classification of #79-5276(RC);
    Must be tried to be raised #12775(RC);

  Combining instances into 1 violation #25;

  Common practice #916;

  Compliance feasible
    Burden of proof on SOL #76-1845;

  Compliance
    Cost exceeds benefits #78-3393;

    Method not up to SOL in performance standard #77-3338;

VIOLATION (Cont.)	
Compliance (Cont.)	
More hazardous than not	#7111;11872;15114; 76-2167;
Contra	#7533;
Will reduce production not a defense	#13692(RC);
Compliance officer must observe (See #433 for converse)	#120;137;412;1465;1815;2007; 79-1554;
Contra	#80-6793;
Conceded by R but rejected by Judge	#849;
Conjecture not basis for	#77-508;
Consolidation of	
Not if covered by specific standard	#77-4089;
Continuing	
6 month rule not app. to	#11742(RC);
Contra to company policy	#2541;
Cost of preventing not defense	#3035;
Could not reasonably be foreseen	#2863;9806(RC);
Created in order to perform job	#78-5997;
Creator of is responsible for	Beatty;
Defective tool as	#355(RC);
Belonging to coworker	#77-4324;
Not in use but available	#504(RC);3108(RC);

VIOLATION (Cont.)

Defense (See DEFENSE; Isolated, this heading)	
Affirmative	
Hazard from compliance greater than noncomp.	
Alternative means unavailable and variance application inappropriate	#11171(RC);
Agency, contracts, tort rules exclude respondent	#154;
Cost as	#11037;
Difficulty of complying as	#1105(RC);
Definite evidence required	#6902
De Minimis (See)	
Demonstration of is an admission	#3990;
Described with particularity in cit.	#1942;
Determination re serious in withdrawal	#192;
Disobedience of specific oral safety instruction	#78-1908;
Due to human error not forseeable	#855;
Due to landlord's inaction	#78-2421;
Due to leased equipment	#3948;
Duplicative item will be vacated	#76-1036(RC)
Non-duplicative	#76-4765(RC);
Duration of exposure not factor in	#5324(RC);

VIOLATION (Cont.)

Employee	
Act reasonably foreseeable	Ocean II;
Certain acts of don't create	#855;4114;
Did employer know of action by (See unexplained action as)	#4635;
Exposed while installing guard	#2977;76-2523(RC);
Exposure must be shown (See Exposure, this heading and EXPOSURE)	#688;4679;7064;12130;12982(RC)
Foreman	
Acts imputed to R	#1930;3069(RC);
Not unforeseen if within scope of work	#5811(RC);
Misconduct	
Disobedience of orders	#5103;77-2484;11015(RC); #13335(RC);3069(RC);3551(RC);
Precluded by better hiring, training, or disc. by R	Pike;
SOL must show action forseeable	#78-4070
Must be exposed	#118(RC);146(RC);425(RC);504(RC); 621(RC);673(RC);949(RC);1038;1858; 2081(RC);12982(RC);
Must be identified by CO	#690;
Negligence	
Doesn't alter fact of	#465;832;2703(RC);REA;Getty; #8123;Butler;
Not supervised	#2096;

VIOLATION (Cont.)	
Employee (Cont.)	
Training and instruction determines	#4105(RC);
Violates safety rule	#85;124;237;259;1815;2969;4307; 9806(RC);
When supt. does	#3069(RC);3551(RC);Pike;
When supt. knows	#78-1363;
Violation by	#4114;4453;
Employer responsible for (See 278 A2d 318, Employer)	
All employees on site	#8468(RC);12775;80-4711;
Construction mgmt. firm only for Sec. 5(a)(1)	#1038;
Establish and enforce safety rules to avoid liability	
Burden of proof on R	#4105(RC);
Equipment used whether owned or not	#922;1886;
General (See Prime)	
Leased employee	Frohlick;
Not creating hazard	#8468(RC);
Not resp. for acts of foreman	#5209;
One in best position to assure safety	Clarkson;
Own employees only	#103;688;949;3262;
Permission not required	#410;

VIOLATIONS (Cont.)	
Employer responsible for (Cont.)	
Prime and sub both cited	#69(RC);394;471;567;
Prime's contractual duty but sub's employee exposed	#949;1953;1973;3760;4986;
Prime not resp. for sub's	#413;810;3262;
Serious if could not forsee or detect	#765(RC);
Prime responsible for observable nonserious	#765(RC);
Sub. checked safety at beginning of shift but other R sub. created hazard	#1973;
Sub. not resp. for prime if employee not exposed	#412;
Sub. responsible for violations it creates	#14448;
Sub. resp. if employee exposed	#1715;1971;2431;
Even if general fails	#1991;
Sub. resp. unless it notified prime, avoids or uses alternative means	#8468(RC);
Truck driver unloading at other bus.	#237;
Violations it could prevent or abate	#8468(RC);79-557;
Violations it supervises	#8468(RC);
Where had knowledge and cont. to viol.	#258;
Where unaware of because of faulty test equipment	#296;

VIOLATION (Cont.)

Equipment in shop for repair	#2983;
Error of judgment as	#344;
Established by sub. evidence	#739;Texports;
Even if viol. standard not workable	#84;
Evidence to establish	
Only that required at time of inspec.	#4385(RC);
Preponderance of to find	#4385(RC);
Exemption	
Contract w/city to manage const.	#12651;
Exists as to static condition where employees exp. prior to insp.	#1114(RC);
Exists before inspection but not during	#76-1796(RC);
Exists by virtue of char. of item	#2739;
Exists even tho R has no cont. over	#2006;
Exists so work may be performed	#810;4415(RC);
Exists while safeguard being constructed	#76-4169;
"Exit discharge"	
Sliding door as	#11118(RC);
Experienced and qual. tech. need not be supervised one on one	#89(RC);184;3458;77-3567;
Exposure (See EXPOSURE and Employee, this heading)	
Abated by removing employees	
Not pract. for nonserious	Anning-Johnson;

VIOLATION (Cont.)	
Exposure (Cont.)	
Access based on reasonable predictability	
Defined	#504(RC);76-4940(RC);
Actual required	#394(RC);504(RC);5784;8424;
Modified to accessible	#5692(RC);13832(RC);
Availability est., actual use not req.	#13832(RC);79-6049;
Based on rule of reasonably predictable or forseeable access to hazard	#1231(RC);
Brevity of doesn't negate	#76-88(RC);
Defined	#146(RC-Dis);
Discussed	#78-3899;
Due to answering call from CO a distance away	#76-3891;
During abatement	
Employees must be protected	#16059(RC)
Employee	
Accessibility enough	#5692(RC);
Actual not est.	#12651;
Must be proved	#329;494;597;606;621;637;919; 967(RC);1038;1127;1242;2287;2490; 2524;3262;3448;3556;3816;4356; 6189;7988;8116;
Circumstantial evidence to est.	#224;2047(RC);
May be inferred	#688;967;2082;LeeWay Motors;

VIOLATION (Cont.)	
Exposure (Cont.)	
Necessary to do job	#247;394(RC);504;597;919;949;1207; 1225;2081(RC);2693;3656;3780; 4415(RC);5390;76-77;80-3921;
Nonworkhour conditions do not determine	#11536;
Not established	#76-282;
Of other than R's employees	#15538(RC);Underhill;
Est. viol. by one who caused	#15388(RC);
Of walkaround employee not	#13832(RC);76-982(RC);
Permitted or directed is necess.	#2969;
Potential of R must remove employees	#8055;
Requirement to establish violation	#247(RC);504(RC);606(RC);949(RC);
Sub contractor's employee	#1141;1715(RC);
Where employer controlled area and resp. for its maint., SOL need only show hazard & area accessible to any workman	#78-5623;Dic-Underhill;
Who created hazard not defense	#13853;
Failure to cite on earlier inspection	#78-583;
Failure to give safety instructions	#79-1214;Ames;
Failure to violate gas fumes	#77-1084;
Failure to obey Judge's Order not citable violation	#76-308;

VIOLATION (Cont.)

Failure to prove	
Inspector a poor witness	#137;
R aware of violation	#258;
Failure to provide additional facilities	
Excessive cost as defense	#529;
Failure to report fatality but G knew	#137;
Failure to wear protection equipment	#13615;
Foreman supervising multiple sites	#15438(RC);
R knowledge of accident possibility when foreman absent	#13573(RC);
Foreman's contrary to rules	#3069(RC);
General Duty	
Hazard likely to cause death or ser. injury required	#2648;
Not used if spec. standard (See Standard, Spec. before Gen.)	
Testing required	#1264;
Government must prove	#137;219;
Gravity (See)	
Grouping of nonserious to make serious	#1671;5572(RC);77-1116;
Guarding	
SOL does not have to show how to	#8454;
Hazard alone doesn't establish	#995(RC);
Exposure also required	#9996;
But accident not required	Bethlehem III

VIOLATION (Cont.)	
Hazard alone (Cont.)	
Frequent exposure establishes	#78-3627
Impossibility of comp. as defense (See DEFENSE)	
In area where employees not expected	#295;1382;
Inapplicable to cited workplace	#1085;1113;1166;1444;
Incidental acts of carelessness & neglect as	#78-5471
Industrial practice as affecting	#78-5310;Bristol;Cotter;
Industrial practice not controlling where hazard readily apparent	#15855(RC);78-190;79-6180; 80-1609;Cape & Vineyard;
Injury not required	#76-4890(RC);
Inspector need not see machine in operation	#4253;
Instructed to work "safely" not enough	#78-1080;
Isolated occurrence (See DEFENSE; Affirmative)	#72;85(RC);89;91;141;144;259;268;378;406;419;515(RC-Dis);1607;1941;2082(RC);2270(RC);2295(RC);2565(RC);3025;4028;4090;4713(RC);4786;10269;11552;12398(RC);12633;14300(RC);77-1116;77-2685;77-3432;78-2939;78-4204;
Affirmative defense	#524(RC);2082;
Burden on R	#8862(RC);76-4611;
Defense, as (See)	

VIOLATION (Cont.)	
Isolated occurrence (Cont.)	
Defined	#12135(RC);12398(RC);8862(RC); 77-3133;78-454;
Distinguished	#777;1205;2011;
Driving dump truck with body up	#10604;
Employer not responsible	#5727;
Failure to enforce rule ground to reject defense	#12398(RC);
Failure to follow safety rule is	#15581;
Failure to hook safety belt as	#14186(RC);
Intentional act of employee	#78-2321;
Momentary exposure contrary to employers inst.	#2286;
Not if 50-60 old violations under earlier act	#410;
Not satisfied by issuing safety equip. but not instructions or follow-up	#14580;
Not where safety policy violated had been weakly enforced	#4503(RC);
Personal needs as	#78-3805;
Refusal to comply as	#703;
R follows CO's advice at his peril	#15581;

VIOLATION (Cont.)	
Isolated occurrence (Cont.)	
R must prove noncompliance unknown and contrary to instructions and work rules	#12354(RC);
Refusal to comply as	#703;
Removal of saw guard for large cut	#979;
Second instance of not	#2748;
SOL does not have to est. negative	#524(RC);
Supervisor's act as	#76-1309;
Where strict rules exist	#7360;
Joining many into one serious	#1191;
Judge cannot increase severity of	#690(RC);
Judge may not find on different basis	#4447;
Judge's Order not citable as	#76-308;
Knowledge (See KNOWLEDGE)	
Leased equipment and operator	#3433;
Lack of training program establishes	#855(RC);
Loaned employee not supervised by lender	#6988;
Machine	
Guarding - moveable guard may	#14567;

VIOLATION (Cont.)	
Machine (Cont.)	
Leased out and violates standard	#3433;
Not operating but contains viol.	#2568;2597;
While down for repair	#1832;
Measurement approximated	#8101;
Multiple employers on worksite (See EMPLOYER)	
Multiple items combined in one penalty	#2887;5572(RC);
Multiple of single standard (see grouping, this heading)	#25;368;3560;3713;4182(RC);
As one serious	#2068;5572;
Must specify section of NFPA violated	#9990;
No employee exposed	#1225;3262;3271;
No older than six months	#3393;
Noise	
CO's testimony only offered & he lacked experience	#77-672;
Reinspection covering machines, one of which still within previous abatement period	#7134;
Noncompliance with standard must be shown	#2490;
Nonserious	
Definition	#1(RC);594;1020;
Between de minimis & serious	#258(RC);

VIOLATION (Cont.)

Nonserious (Cont.)

Knowledge required	#9413(RC);
May not be elevated (See Upgrading - this subject)	#111;266;594;690(RC);2888;5727;
Subcontractor for situation created by others	Anning-Johnson;
Nonstatic	#2007;2739;
Not cited in earlier inspection doesn't excuse	Cedar
Not condoned by employer	#237;378;
Not good defense that safe equip. supplied at beginning of job	#14520;
Not if exposure necessary to do job	#394(RC);
Not if practice affords equal or greater safety	#703;2249(RC);2864; 3180;7935;
Not if required testing not done	#2739;
Not if R meets responsibility to employees	#3458;
Not if stevedore refuses to obey rule	#3821;
Not if unavoid. accident (RC disagrees)	#85;
Not observed or tested	#3481;78-4121;
Not on hearsay (See Hearsay)	

VIOLATION (Cont.)

Not on suspicion, surmise or conjecture	#2332;3750;
Not shown to affect safety	#16184(RC);
Not shown within 6 months of citation	#79-685;
Not to protect non-employee	#2081;
Not where compliance would prevent work being accomplished (See Exposure)	#810;3931;6972;
Not where disagreement re meaning of standard	Kent;
Not where only exposure is deliberate employee act	#9603;
Not where R not able and physically and economically constrained	#9739(RC);
Notice of Contest to also raises issue of penalty [See 5th Cir., Sec. v. OSHRC & Echols, and #2354(RC) to contrary]	#1057;
Notice of to R required	#77-705;
Occurred simultaneous w/insp. is not viol.	#78-2474;
Occurrence of hazardous conditions doesn't establish violation	Myers
Only for that charged in citation	#85(RC);1796;
Only if employee exposed	#606(RC);949(RC);
Only if G shows a hazard	#2542;
Only if item in noncomp. is used	#509;

VIOLATION (Cont.)

Only 3 months period prior to inspection	#4825;
Other equal means of compliance Burden of establishing on R	#5479(RC);
Ownership of equipment not determinative	#1375;6579;
Onwership of realty nct determinative	#6579;
Partial protection no defense	#76-2419(RC);
Performance standard SOL must establish tech. & econ. feasibility	#78-2128;
Preponderance of evid. to establish	#16193(RC);77-3666;78-2195;
Preventability	#15438(RC);
Prior insp. did not cite same cond.	#76-5242;
Prior to presenting credentials (See Inspection;Sec 8(a))	#2829;12696(RC); 12720;
Proof of alone doesn't est. serious	#406;
Proof to establish	#9985;76-1389;
Protective equipment Employer and employee duty	#258;
R must enforce but not resp. for occasional lapse	#12272;13958(RC);
Railroad liable for on another's siding	#11742(RC);

VIOLATION (Cont.)	
Reduction by Judge	#782(RC);
Willful to serious	#78-50;
Reduction to de minimis	#2739(RC);
Related conditions	
Duplicitous	#10929(RC);
Separate hazards	#10929(RC);78-69(RC);
Remote possibility of	#83(RC);
Repairs under way	#4415(RC);
Repeated	
Burden of proof	
R must est. act not similar if same standard	#14899(RC);76-1924(RC);
SOL must est. prior viol. became final	#13225;16183(RC);76-2318;77-2752;
Change of owners (See Successor in Interest, this heading)	#76-5242;
Circumstances different	#78-672;
Citation must give notice of what prior viol. was	Todd II
Citation must have become final order	#5731;10798(RC);
Citation which is final cannot be relitigated	#12174;
Compare with failure to abate	#11543;

VIOLATION (Cont.)
Repeated (Cont.)

Construction site rule	#15540;76-702(RC);76-2841; Desarrolos;Hyman;
Defined	#1556;2384;2739(RC);3822(RC); 3975;4601;4703;5222;7606(RC); 8407(RC);10211;10434(RC); 12510(RC);12939(RC);13559(RC); 14265;14965(RC);15317(RC); 16183(RC);76-191(RC);76-192(RC); 76-1480(RC);76-3337;76-3444(RC); 76-4219(RC);77-1116;77-1999; 77-2150;77-2207;77-4409;77-4471; 78-1562;80-6793;Bethlehem I (Not Followed, #13875);
Different location on same worksite	#12311(RC);
Different worksite & personnel	#78-1080;
Different worksites but same violation is properly classified as repeated	#8282;76-702(RC)
Distinction between permanent and transient worksite	Desarrolos;
Elements of	#16183(RC);76-702(RC); 76-4219(RC)
Failure to abate distinguished	#9480(RC);78-1715;
Flaunting not required	#15908(RC);12311(RC);Todd II
Contra	#15094;
Geographical separation determinative	#8407(RC);(but see 16183(RC));
Good faith must be considered	#3975;76-3444(RC);
If penalty less than $1000 no issue	#15688;77-3362;

VIOLATION (Cont.)

Repeated (Cont.)

Involving work area from Albany to Atlantic City	#12486;
Knowledge not element of	#76-702(RC);
Merged corporation	#78-78;
More than once	#15908(RC);76-1498(RC);
More than same standard required	#12510(RC);
Must arise after prior violation	#15858;
Must be identical violation	#12272;12311(RC);
Contra	Hyman;
Must flaunt	#2739(RC);12272;
Contra	Hyman
Need not be det. if penalty proposed below $1000	#11028(RC);11526(RC);77-1091;
Not because Union prev. informed R	#2739;
Not charged as such	#1598;
Not if prev. citation not final	#3821(RC);4418;6052;80-223; 80-3703;
Not restricted to same area	#12486;
Not where prior violative condition modified but CO still cites	#77-705;
Not where standard is being litigated and enforcement attempted	#13021(RC);

VIOLATION (Cont.)
Repeated (Cont.)

One previous enough	#15721(RC);
Other than serious	#76-4371(RC);78-1351(RC);
Prior abatement required to establish	#78-2525;
Prior violation establishes	#13390(RC);13746(RC);15317(RC);16062(RC);6183(RC);16317(RC);76-530(RC);76-1481(RC);76-3444(RC);76-3743(RC);76-4173(RC);76-4219(RC);76-4988;76-5089(RC);77-671;78-1351;78-4398;79-1456;79-2117;79-2288;79-2658;79-2984;79-4559;79-4267;79-4588;80-210;80-1268;80-4711;
Single one is enough	#16183(RC);Hyman;
Prior violation not contested	#77-2752;80-6793;
Prior violation other than serious	#77-2752;80-6793;
Prior violation settled	#76-4271(RC);78-3019;
Prior violations years ago doesn't void repeat	#7606(RC);77-2752(RC);81-226;
Proof of	#76-1480(RC);
Safety belts in lieu of perimeter guarding	#9739(RC);
Same degree of culpability required	#77-2752(RC);
Same employer required	#16183(RC);
Same standard	
Dispartite conditions and hazards not repeated	#15721(RC); 81-218;

VIOLATION (Cont.)	
Repeated (Cont.)	
Same standard (Cont.)	
Enough to establish	#15908(RC);15317(RC);16183(RC); 76-2677(RC);77-553(RC);78-1907; 79-5276;79-6492;
Under same supervision	#11344(RC);
Under similar circumstances but on different ships in same facility	#15317(RC);Todd II;
Same worksite	
What constitutes	#2739(RC);
Second citation of standard previously violated	#8392(RC);14265;76-2669;79-3414; 79-5553;Todd;
At another construction site	#12311(RC);13625;
Subsidiary corporation separate R	#849;
Substantial similarity	#80-6793;
Successor employer	#337;4253;16183(RC);76-5242;
What constitutes a R for	#509;2739;
Widely separated const. sites	#77-1135;
Requires more than mere poss. of offending item	#433;721;
Requires noncompliance and exposure or access	#1986;77-3666;
Requires realistic exposure	#4000;

VIOLATION (Cont.)

Respondent	
Cited where he relied on SOL's advice	#72;1531;
Could have known	#2671;
Must do everything within his power to avoid accident	#141;
Responsible for machine at workplace	#258;
Responsibility	
As factor in penalty	#3713;
Bldg. owner for ind. cont. repairing bldg.	#78-3374;
For safety left on foreman	#77-859;
Responsibility	
For violation, not factor	#154;610(RC);621(RC);637(RC);674; 690(RC);781;1132(RC);1615;2011; 2917;3142;3556;4136;5159;
Cannot be contracted away	#76-2748(RC);
Not a factor	#224(RC);
Tenant for violation of landlord (Analogous to sub-contractor holdings)	#78-5704;
To other employees	#3901(RC);
Ultimately rests with R	#237;439;3593;
Safety policy alone doesn't absolve	#85(RC);
Safety practices	
As defense	#15;3458;
Use of up to each employee	#78-625;

VIOLATION (Cont.)	
Safety training as defense	
Must include specific instructions for job at hand	#9118(RC);
Same standard at diff. locations permit sev. cits.	#4182(RC);
Secretary of Labor of Act or his own reg.	
May void citation if R prejudiced	Atlantic;
Separate hazards permit separate cits.	#10677(RC);
Separate workplaces may each have same viol.	#6(RC);
Serious v. nonserious	#90;158;585(RC);
Air contaminants as	#1369;3359; 4678(RC);78-4393; 79-928(RC);79-2205;
Burden or proving is on SOL	#1603;
Differentiated	#2264;81-614;
Established by interaction of several	#1671;
Height of fall a factor	#13064(RC);
Serious	
Accident need only be possible	#4968;1114(RC);79-1728;
Air contaminants as	#2311(RC);3359; 4678(RC);78-1455; 78-1923;78-2712;78-4674;79-769; Hermitage;Bethlehem IV
Amputation possible constitutes	#77-3770;
Asbestos particles in air	#2692;
Bleeding alone is not	#78-2202;

VIOLATION (Cont.)

Serious (Cont.)

CO background does not qualify him to testify re:	#2714;
Crane capacity det. by Eng. as	#78-3155
Created by others but R's employees exposed	#10309;
Defined	#1(RC);5;;91(RC);266;319;355(RC);401;403(RC);503(RC);585;586;867(RC);1049;1593;1728;1833;2128;4956(RC);5925;13334(RC);14884(RC);76-647(RC);Calif. Stevedore;Hermitage;Georgia;
Several grouped to form	#247;5572(RC);
Elements of	#1;6;48(RC);91(RC);319;401;403(RC);515(RC-D);573;585(RC);586;587;594;922;1049;1114(RC);1603;1716;1833;2068;76-1408(RC);77-3041(RC);
Determining factor	#91(RC);585;1191;
Employers duty re	#271;
Evidence must establish	#78-4257;
Evidence to establish	Dorey
Exit signs, lack of as	#76-1036(RC);
Exposure even brief does not negate	#76-4765(RC);
Exposure to one created by another employee	#10033;
Failure to lock-out dangerous machine	#155;
Fall	
7-9' or less	#78-2202;79-933;79-4543;80-6182;

VIOLATION (Cont.)
Serious (Cont.)
Fall (Cont.)

Over 10'	#80-4992;80-5547;80-6074;81-264;
Over 12'	#80-3708;
23'-30'	#3390(RC);78-6032;80-457;80-3295;
Over 25'	#80-1224(RC);
30-35' or 27'	#14886(RC);76-3653(RC);80-2760; 80-5498;
36'-44'	#80-4561;
Over 50'	#80-6331;
Over 100'	#76-4507(RC);
From roof as	#4296(RC);76-357(RC);
High as	#585;899;1405;1671;
Field Operation Manual	#79-6223;
Forklift, riding of	#124;79-1431;79-4712;
Gasoline vapor as	#714(RC);78-3861;
Hazards determine	#77-3041(RC);
High voltage line clearance	#409;
Established by crane within 10'	#9;1320;
If changed must be found to sustain viol.	Bethlehem IV

VIOLATION (Cont.)
Serious (Cont.)

Improperly stacked lumber as	#1020;
Increased to from other violation	#594;690;12705(RC);
Injury	
Absence of probative evid.	#76-1887;
Knowledge	#271(RC);3179(RC); 77-2115(RC);
Exists if accident could be prevented	#4675(RC);Danco;
Required	#3041;11232;
Load, walking under	#1296;
Manhole, failure to purge	#100;
May consist of several items	#5106(RC);80-7081;
Not multiple nonserious	#3460(RC);
Must also consider lesser included	Vy Lactos;
Noise not	#77-2974;78-3297;
Nominal penalty	#703(RC);
Not if employee negligent	#271;
Occupational hazard required	#76-1887;
Penalty	#14;33;1255;
Permission not necessary to constitute	#85(RC);410;
Point of operation guarding	#1623;76-2617(RC);
Possibility of accident	#642; 81-1977;

VIOLATION (Cont.)
Serious (Cont.)

Prob. of acc. as factor	#1(RC);5(RC);6(RC);91;401;403(RC);585(RC);867(RC);1049(RC);1761;
Not a factor	Shaw;
Prob. of death or serious injury is substantial	#319(RC);11864(RC);76-191(RC);76-192(RC);76-3942(RC);76-5089(RC);79-2589;79-2633;
Protective helmet violation not	#585(RC);
Radial saw accident will cause	#1833;
Reduction to nonserious	#14;594;2354;
Required to perform job	#77-2526;
Resp. must have or could have known of	#81-805;Ocean II;
Resp. unaware of	#1741(RC);
Requires more than mere noncompliance	#184(RC);
Safety line as	#41;
Shown by evidence but not cited as	#266;690;
Silicia dust as	#4678(RC);
Silver nitrate and oxide gas	#77-1811(RC);
Skin discoloration	#77-1811(RC);
SOL must establish that air contaminants are	#2311;

VIOLATION (Cont.)	
Serious (Cont.)	
Spinning saw as	#2094;
Substantial evidence to establish	#515(RC-D)
Substantial probability of death or ser. phy. harm	#3041;13591(RC);16317(RC);79-4517; 79-4543;
To de minimis	#2739;
To other than serious by Judge	#594;1053;
Trench cave-in as	#3324(RC);
Scaffold cannot be while being erected	#6080;
Severity may not be increased by RC	#5727;
Single standard	
More than one instance constituting single citation	#7606(RC);
Single violation but multiple employers	#17;
SOL must inform how to abate	#76-1892;
Speculation will not support	#4904;77-508;
Standard same but diff. area of plant	
New violation	#12862(RC);
Static type	#2007;
Statistical basis not needed to find	Dorey;

VIOLATION (Cont.)

Strike threat not basis for noncompliance	ITO Corp.
Sub doing nothing about establishes	#16174(RC);
Subcontractor for own violations	Anning-Johnson;
Subcontractor liable for even tho He did not create	#14395;
His employees supervised by general as to safety	#1953;
Subcontractor not resp. for	#11232;79-2445;
Subcontractor's as to general's	#78-5492;
Substantial compliance	#78-1681;
Substantial evidence doesn't establish	#2311;
Substantial probability	#80-6601; 81-1530;
Supervisor's act	
Violating established and enforced policy	#78-4134;
Surmise that exists will not support	#923;
Temporary to permit work to continue	#3068;3556;4679;
Test of existence	
Whether reasonable man recognized viol.	#12208;
Tool	
Available for use	#78-2965;
Ownership of not material	#3391;

VIOLATION (Cont.)	
Trench	
May be re-cited for diff. location of same trench	#1096;
Trench spoils	
A new viol. when again found as trench progresses	#1261(RC);
Unauthorized repair work	#78-4070;
Unenforced rule not a defense	#259;
Unexplained action as	#1221;4635;9806(RC);
Unguarded wall opening	
Working at	#1127;
Uniform categorization of	#1833;
Unintentional	
Not valid defense	#1466;
Unpreventable (See DEFENSE)	#5157;78-2760;
Upgrading by RC	#22;48(RC);111(RC);221(RC); 266(RC);690(RC);777;2888;
Useless compliance not required	#13139;
Violating final order of RC	#76-308;
When	
More than 6 mos. prior to citation	#3393;
Prior to presenting credentials	#1228;2888;12720;
Where employer elects to expose its employees it is resp. for safety	#14578;

VIOLATION (Cont.)	
Where work suspended there is no viol.	#678;
Who to cite	
Employer who create hazard is resp.	#3694(RC);Underhill;
Employer who controlled & is resp. for maintenance	#3694(RC);Underhill;
Willful	#1(RC);33;221(RC);782(RC);1409; 1734;2414;2538(RC);2630;2637;2739; 2805;2901;3197;3256;3258;4172(RC); 3533;3699;3931;4172(RC);4427;6052; 7134;8128(RC);9483(RC);11166;11344 (RC);13019(RC);13680(RC)13682(RC); 15414(RC);76-1053(RC);76-2644(RC) 77-787;77-4009;77-4343;78-78; 78-448;78-2818;78-2830;78-3427; 79-3231;80-2760;80-5153;Irey; Messina;Inter.Const. Co.; Consol. Coal Co.;Dye;Western II;
Acts of employees (refusal to wear hardhats)	#4107(RC);4897(RC);
Aware of hazard but took no action	#77-4204;78-583;79-4982;
Based on mistaken belief	#78-2090;
Based on past accident activities	#78-3126
Careless disregard of standard is	#11011;13685(RC);16029(RC); 76-2154(RC);76-3980(RC);76-5039 (RC);78-50(RC);79-2780;79-3189; 79-6671;
Charged but only serious found	#5324(RC);15314(RC); 80-6678; 80-7081;
Cited - less proved	#2805;
Conscious ignoring Act & disregard for safety	#9339(RC);9483(RC);78-982;78-1618; 79-4505;

VIOLATION (Cont.)
Willful (Cont.)

Continued use after employee complains re safety	#13331(RC);
Defined	#11008(RC);13331(RC);4533(RC); 14236(RC);14315(RC);14890(RC); 76-5039(RC);77-3520;77-3575A(RC); 79-1963;80-5474;Empire;Irey; Western II;Dye;Intercounty; Messina;Cedar;Kent;Georgia; Nat. Steel;
As deliberate act	#9522(RC);12525(RC);77-2100(RC); 77-3088;80-4035;80-4711;
To achieve prod. goals	#13682(RC);
Deliberate	#78-5284;
Deliberate and knowing act	#77-3540;
Discussed	#14080(RC);77-91;77-3575A; 78-1901;78-6127;Kent;
Duty to protect must be known	#78-3825;
Elements	#11008(RC);
Evidence re	
Only prior official complaints	#77-387;
Facts not in dispute	#11011(RC);
Flaunting not necessary	#9339;
Foreman's failure to instruct as	#16029(RC);
Foreman's imputed to R	#3860;9225(RC);9339(RC); 76-1060(RC);78-1353;79-1209; 79-2328;79-2408;

VIOLATION (Cont.)
  Willful (Cont.)

Gamble to proceed in face of hazard	#76-2566;
Good faith test	#76-256(RC);76-1053(RC); 77-2100(RC);77-4471; 78-2125(RC); 81-218;
If foreman decides to allow work to proceed not in compliance with the standard	#9225(RC);
If R ignores standards it doesn't agree with	#9225(RC);
Ignoring obvious grave danger as	#15414(RC);
Imputed from supervisor's acts	#78-1353;
In foreman's absence	#5324;
Intentional disregard or indifference required	#3685(RC);7869(RC);9483(RC); 9485(RC);9522(RC);10803(RC); 10804(RC);10929(RC);14080(RC); 76-1992(RC);76-2644(RC);77-2627; 77-3668(RC);79-6913;Georgia Elec.;
Lack of concern establishes	#13019(RC);
Lack of diligence not	#78-50(RC);
Lack of knowledge of safety requirement	
Federal Register pub. is notice but won't support willful	#78-3825;
Laxity in enforcing safety rules	#79-2328;80-4035;
Leisurely approach to guarding amounts to indifference	#78-6085;

VIOLATION (Cont.)
Willful (Cont.)

Knowing act in disregard of actions legality	#76-1924(RC);
Knowledge predominant factor	#1(RC);1409;
Established by publication in Federal Register	#78-3825;
Malicious intent not required	#12525(RC);76-2154(RC);78-50(RC); Kent;
May be reduced	#2805(RC);3142(RC);3258(RC);
To serious even tho not in citation	#4172(RC);4395(RC); 5324(RC);78-1353;80-3589;
Motive not a factor	#76-431(RC);
Must also charge as serious or nonserious	#2637(RC);3258(RC);
No defense to say SOL didn't tell him how to abate	#14315(RC);
Not based on failure to perform unkown duty	#78-4823;
Not based on lack of knowledge which is readily avail.	#78-4823;
Not based on prior violation	#78-5260;
Not supported by mere knowledge by R	#78-1595;
Not supported by prior cit. still in litigation	#3931;
Not where R attempted to comply	#11344(RC);

VIOLATION (Cont.)
Willful (Cont.)

Not where R thought it was in compliance	#10803(RC);77-2100(RC);79-69; 80-4107;
Not where there is confusion re meaning of standard	#76-1703;
Not unless charged	#221(RC);
Only found if alleged	#5582;
Only goes to penalty	#14315(RC);
Opinions differ as to compliance, not willful	#78-2225;
Pemitting defective equip. to remain in use	#79-369
Permitting overloading of elev. as	#76-72;
Persistent disregard of violation by mgmt.	#78-4423;
Prior OSHA violation as factor	#76-1053(RC);76-5363(RC); 78-50(RC);78-1715
Not required	#78-3825;
Prior OSHA violation not required	#77-387;
Subcontractor following general's orders is not	#78-3494;
Supervisory personnel knowingly assumed risk	#77-4471;

VIOLATION (Cont.)	
Willful	
Supervisory personnel not informed of safety requirements	#16029(RC);
Venal motive or reckless disregard not required	#76-1924(RC);
Violation pointed out to R, who ignored	#77-1925;
Where R certifies abated on settlement stip. but not	#78-1420;
Willful act of subordinate est.	#1409;
Zone of danger	#1858(RC);

WAIVER OF HEARING	#2079;
WALKAROUND (See Inspection)	
Credentials	#916;
Failure to take employer rep.	#117;224(RC);503;509;557;559(RC); 1228;2043;5619(RC);12931(RC); 76-2221;78-4989(RC);Western;
Not fatal unless R prejudiced	#1087(RC);12931(RC);76-1104(RC); 79-132;79-464;Accu-Namics; Chicago Bridge;
Prejudiced by	#1087(RC);2007;5619(RC);6902;
Legislative history	#690(RC-Dis);
Mandatory	#76-2221;
Substantial compliance OK unless prejudice shown	#5572(RC);Chicago Bridge;
Only critical for nonstatic viols.	#2007;
Only if practical	#477(RC);2097(RC);
Prohibited by supervisior	#79-5715;
Shall (See Sec. 8(e))	
Subcontractor entitled to	#224;559(RC);
Substantial compliance enough	#690(RC);C, F & I,
Temp. absence of R's rep. from doesn't violate	#78-4672;
Union member may represent R	#76-637(RC);
Violation observed before	Hartwell;Hoffman;
WALSH HEALEY ACT	#76-647(RC);

WARNING	
Yell down elevator shaft as	#471;
WARRANT (See Sec. 1903.4)	
Barlow to be applied retro	Todd II
Contra	#6352(RC);76-1463(RC);78-1529; Savina;
Based on employee complaint	
Limitation on	Marshall v. N.Amer. Car (CCH 23,725);
Former employer	#78-5264(RC);
Common worksite	#15538(RC);
Consent defined	#79-7165;Milliken;
CO did not explain R could refuse	#78-1269;
Consent fraudulently obtained	#78-661;
Discussed	#78-382
Essentials of affidavit for	CCH 23,995;
Exclusion rule	
Applicable to OSHA	#76-1463(RC);76-4026;80-1308; Savina;
Not prior to Barlow's	#76-1463(RC);78-638;Savina;Todd
Ex parte discussed	CCH 23,938;
Expiration of	#78-661;
General inspection not limited to specific employee complaint	#79-58;

WARRANT (Cont.)

General inspection	
Pursuant to adm. plan containing specific neutral criteria	#78-5264;Urich;
Incorrect address not fatal	#78-5229;
Multi-employer site	
Who may give	#78-1353;
Need if entry refused	#80-6712;Gibson's
RC cannot review (However,See RC, this heading)	#77-3170(RC);
NIP joint	#76-530(RC);
Not necessary for inspection unless R objects (See CCH 17,020 and 17,937)	#456;2339;2630;Stephenson;
Not necessary for inspection where worksite public	#477(RC);916(RC);76-4636(RC); Bethlehem I
Probable cause for issue	
CO's observations while waiting to be denied entry	#78-4121;
Not that of criminal case	W & W Steel (CCH 23,807)
RC considers only evid. presented magistrate	#78-5264(RC);
Specific complaint as	#78-5264(RC);Urich;
Unsupportable by oath or affirmation	#80-1308;
Required based on probable cause	Gibson's;
RC lacks authority to pass on validity	#78-4195(RC);78-5229;78-5264(RC); 81-2102;

WARRANT (Cont.)	
Review Commission should consider	
Basis for	Quality Products (CCH 23,328);
Challenge to	#77-2788(RC);78-5264(RC);Babcock & Wilcox;Quality Products (CCH 23,328);Bethlehem III;
Right to demand not explained	#78-3468;
Tolling of service	#78-661;
Wall-to-wall auth. following employee complaint	CCH 23,856;
Who can require, multi-employer worksite	#78-5229;
WARRANTLESS	
No defense that CO did not explain rights to R	#78-987;
WELDING	
Location of device testing for fumes	#78-4580;
WELDING SPACE	
Computation of area	#262;299;
WILLFUL (See Violation)	
WIND	
Discussion of types	#1363;
WITHDRAWAL	
Abatement not clearly shown	#1553(RC);
Attorney misunderstood R's desire	#13191(RC);
By G for inability to prove	#436;
Defined by RC	#251(RC);

WITHDRAWAL (Cont.)

By Union contingent on affirmation of abatement while R's contest still in issue	#3200;
Denied for failure to serve	#551;553;1846;2253(RC);
Elements for	#203;252;269;274;551;647;722; 4651(RC);
Relaxation re future abatement	#467(RC);982;2806(RC);
Form of Judge's decision	#372;548;615;645;710;839;1881;
Penalty not tendered	#1807;
Policy re	#3;11;12;106;551;553;756;798(RC); 1034;
Posting adequate where no employee party	#1902;4651;5430;
Proof necessary to withdraw	#192;193;646;982;2253;3420;
Service	
Necessary on affected employees	#3420(RC);
Not shown	#647;1846;2253;2547;3420;
Posting adequate if employees not party	#1902;4651(RC);
SOL's can be objected to by Union	#76-4761(RC);
Stipulation denying violation	#54;756;798(RC);1034;1846;
Union can take over prosecution	#76-4761(RC);
Union must be notified	#2069(RC);
But they cannot prevent	#10340(overruled);

WITNESS

Adding new witness	
Judge may refuse to add	**#4533(RC);**
Authority of Judge to call	**#935;2271;2920;**
Available	
Failure to call	**#1955;3491;5288;**
Comment re	
Credibility	**#19;**
Demeanor	**#14;78-5444;79-5379;**
Testimony	**#299;914;**
Conflicting	
Credibility determination re	**#12597(RC);**
Credibility for trial judge	**#673(RC);5467(RC);79-1431;**
Discussed	**#78-4423;79-1431;**
RC will normally not disturb	**#6688(RC);12597(RC);13348(RC); 15414(RC);76-431(RC);76-2414(RC); USS;**
Contra	**#78-5920(RC);**
Reasons for are required	**#13685(RC);16162(RC);**
Cross-examination	
SOL's file opened to R for purpose of	**#6804(RC);**
Discharged employee as	**#3931;**
Employer & employees ent. to consid. weight	**#76-5242;**
Establish industry practice	
Not by federal employee but industry employee	**B & B**

WITNESS (Cont.)

Examination of	
To show alternative safety means	#2864;
Expert	
But not qualified re results of air contaminants on humans	#2311;
Failure to produce one who examined	#78-773;
Former OSHA official as	#3035;
Govt. employee called by R	#10757(RC);
Nongovernment if good cause shown	#4385(RC);
SOL must present	Cape & Vineyard;
SOL's permitted after R's if no prejudice	#19609(RC);
Testimony	
Need not be accepted	USS;Greyhound;
Expertise limited	#1916;9809(RC);
Failure to call (See available, this title)	
Inference re	#3486;3710;77-3267;
Government employee as	#10757;
Immunity for	#1968;76-1484(RC);
Interest in outcome	#1320;
Layman's opinion may be admissable	#9809(RC);9879(RC);

WITNESS (Cont.)	
Not worthy of belief	#79-685;79-4135;
Prehearing list, not on	
Permitted within discretion of ALJ where surprise did not prejudice	Southern Colo.
Reason for rejecting testimony	#77-3204;79-4614;
Rebuttal by	
After remaining in courtroom	#1919;
Refusal to testify	
Action by Judge	#893;
Reoffer of prev. test.	#76-3721;
Respondent's employee	#1320;
Respondent's unavailable he must attempt to locate	#12940;
Self-incrimination of	#803;
SOL must present experts	Cape & Vineyard;
Statements of	
Available to R at option of ALJ	#76-1484(RC);78-1907;
Failure to order production of	#12569(RC);
Testimony not taken at face value	#1320;
Unlisted may be refused in discretion of Judge	#14484;
WORDS	
As commonly understood	#549;

WORDS (Cont.)	
Distinction between	#1;
Meaning of	#945;77-1950;
Look to intent of drafters	#10757(RC);
Within production industry	#967(RC);
Terms of std. not words in pleading	#15690(RC);
Use	#1445
WORDS AND PHRASES (See separate section at end of the alphabetical sections)	
WORKPLACE	
Control of not essential	#3029;
Defined (Leg. Hist., page 348)	#396;433;511;589;1324;1515;2701;
Includes public places (See Roadside)	#2700(RC);Clarkson;
Maintained in safe condition	
Hazard cannot be potential	#3391;
Not where work suspended	#396;678;
Roadside in emergency condition	#3665;Clarkson;
Safe	
Employer must give helper to insure	#406;1953;
Even if debris not his	#690;
Even if employer doesn't own	#14;1375;1953;
Even if workplace of other	#301;1953;

WORKPLACE (Cont.)	
Truck as	#98;433;1324;1515;7673(RC);
Used as employee transportation	#7673(RC);
What is	
Area where employees worked	#3180;
WORKRULE	
Avoid unsafe area not	#12354(RC);
Defined	#12354(RC);14193(RC);77-1116; 77-2331;77-3133;80-7081;
Failure to follow	#3069(RC);
Inadequate to protect against standard	#76-1296(RC);
Multiple violations show not enforced	#13390(RC);
Must be enforced	#76-1393(RC);76-4844(RC); 77-2115(RC 77-4139;78-6265(RC);79-2984;79-6128; 80-5153;80-6166;80-6325;80-6344;
Must be equivalent of standard	#11015;76-4842;
Must be more than advisory	#16096(RC);
Must be specific for violation of to be attributable to employee misconduct	#15841(RC);
Oral	#79-5073;
Shown R's knowledge	#78-29(RC);
Violation of enforced is defense	#76-2643;

WORDS AND PHRASES

A

Above (1926.700(b)(2))	#2414(RC)
Adequate means of exit discussed (1926.652(h))	#8766
Adequate ventilation (1910.107(d)(2))	#6606(RC)
Adjacent to	
Includes crossing section (1926.652(e))	#3543(RC)
Adjacent to a section defined (1918.43)	#1
Aerial lift defined (1926.556(b)(2)(v))	#76-119(RC)
Air trigger	#76-891(RC);
Amines	#80-1943;
And (1926.28(a);55(a))	
Construction of	#1399(RC);77-2202;78-6001;
And at other times	
Too indefinite for the complaint	#678;
Angle of repose (1926.651(h) and 653)	
Defined	#33;2507
How determined	#15094(RC);79-914;
Potential for soil slide negates	#15094(RC);
To bottom of trench and not 5' level	#1871
Contra	#78-2257;
Anthrax	#76-596(RC);

Appropriate standard (1910.212(a)(3)(ii)	#76-1656(RC)
Argyria	#77-1811(RC);
Asbestos	#11756(RC);13732(RC); 77-2039(RC); 78-741(RC);78-2419(RC); 79-2969;79-4080(RC);79-6918(RC); 80-2146;80-2196;81-241;81-246;
As frequently as necessary (1926.800(c)(1)(i))	#13864(RC);79-4517;
As they occur (1926.51(c))	
Not applicable to conditions due to weather	Dravo
At defined (1910.107(g)(7))	#3639;

B

Bag Houses	#80-4340;
Bank defined (1926.652(a))	#1053(RC);80-7048;
Barge	#15757(RC);79-5493;
Barricade (1926.500(d)(1))	
Employee as	#2684(RC);15757(RC);
Manufactured material not if such function only incidental	#392
Rope or cable as (1926.500(f))	#690
Temporary	
May meet standard requiring	#441;688;1584;
Removal of	#610;1207

WORDS AND PHRASES (Cont.)

Barrier (1926.550(a)(15))	
Electric insulation not	#3248;
Beam Dinker	#78-5920(RC);
Blasting consists of	#133;
Blast furnaces	#80-927;
Bolting	#12525(RC);
Building Official (1910.22(d))	
A government official is	#76-2992;
Burners	#79-1615;

C

Cable defined (1926.603(a)(8))	#12767(RC);
Part of crane (1926.550(a)(15)(i))	#832;1128;
Cage (1926.800(m)(8)	#80-762;
Carbon Monoxide	#76-190(RC);80-927;
Cargo includes containers (1918.32(b))	#15242(RC)
Caster (1926.451(e))	
Wheel is substitute for	#76-2748(RC)
Chemical plant discussed (1910.106(h)(8)(i))	#11238;
Christmas tree technique (steel erection)	#80-2911;
Clean defined (1910.22(a)(1))	#15952;78-2041(RC);

WORDS AND PHRASES (Cont.)

Combustible dust defined	#78-4066;
Compelling public interest discussed	#78-2862(RC);
Competent person (1926.850(a))	
To make engineering survey, defined .	#388;
Confined space (1926.350(b)(4)) 1915.2(m)	#7290;79-6614; #76-1201(RC);
Construction manager	#5064(RC);
Container defined (1910.212(a)(4))	#76-1435;
Contumacious conduct	#79-6850(RC);80-75(RC);80-999(RC); 80-2234(RC);80-3347(RC);80-5986; 80-6008(RC);
Cotton dust (Raw)	
Total dust including noncotton	#12597(RC);
Cotton ginning	
Agricultural activity	#1671;
Could vs. would (Sec. 17(k) of Act)	Hermitage
Crane defined (1926.550(a)(a))	#76-4094(RC);80-5810; 81-920;
Crew member defined (Sec. 4(b) of Act) purpose	#10820;
Critical (1910.179(1)(3)(iii)(c))	
Means to safe operation of crane	#78-2474;
Curtained welding space (1910.252(f)(2))	#262;

D

Dangerous equipment defined (1926.500(d)(5))	#76-914;
Dead load defined (1926.104(b))	#14907(RC);
Dead man control	#79-3295;80-4193S;80-4398; 80-5614;
Debris (1926.25(b))	
Defined	#6145;13832(RC);76-1567(RC); 76-4371(RC);
Discussed	#76-2326(RC);
Does not include collected pile	#413;
Natural on construction site	#1127;
Not R's but endangering his employees	#690;
Defective discussed (1926.251(a)(1))	#78-523;
Defective hook defined (1926.251(a)(1))	#1128;
Defective rigging equipment (1926.251(a)(1))	Austin Commerical (7 OSHC 2119)
De Minimis (See)	
Designate (1926.550(a)(5))	
What is required to satisfy	Gerosa;
Disfigurement	#77-1811(RC);

WORDS AND PHRASES (Cont.)

Drowning	#78-6265(RC);
Dunnage defined (1918.43(e))	#5;

E

Edge defined (1918.21(b))	#1531;
Electrical transmission lines defined (1926.400(b))	#207(RC);
Elevators	#76-4507(RC);79-4090;
Enclosed vs. contained space (1915.31(b)(1))	#79-1021;
Engineering survey defined (1926.850(a))	#388;
Who can make	#388;
Equivalent (1926.500(d)(1); 451(a)(5) and (13))	#4537(RC);12200(RC);13646(RC); 76-3944(RC);
Protection (1926.451(d)(10))	#16193(RC);79-2176;
Safety line not barrier (1926.500(d)(1))	#13569(RC);16218(RC);
Standard railing is physical structure (1926.500(d)(1))	#4537(RC);13140(RC);
Equivalent safe access defined (1926.451(a)(13))	#5574;
Scaffold frame as	#76-1819;
Except that which is in use (1916.51(a))	
Affirmative defense to	#13155;

WORDS AND PHRASES (Cont.)

Excessive, not vague (1910.22(a)(2))	#11764(RC);
Excessive concentration (1910.1001(h)(i))	#76-2025;
Excessive dust (1910.22(a)(1)) Foot track method not accepted to establish	#78-6177;
Exercising authority Other Federal agency (See Sec. 4(b) of the Act) When	#738(RC);15920;76-1182;
Exit (1910.36(b)(1))	#76-1036(RC);
Exit discharge, sliding door as (1910.36 (b)(4))	#11118(RC);
Explosives	#79-5324;
Expressio Unius Est Exculsio Alterius	#76-3444(RC); 79-310(RC);
Extraordinary circumstances defined (Sec. 11 of Act)	Keystone; Bethlehem III;

F

Failure to provide does not include failure to use (1910.94(d)(9)(v) and 133(a)(1))	#3443(RC);
Fire exit locked (1910.37(b)(3))	#497;
Flattened defined (1926.651(h))	#10929(RC);
Flotation device (1910.132(a))	#78-6265(RC);
Freeboard	#79-4300;

WORDS AND PHRASES (Cont.)

Frequent monitoring	#76-190(RC);
Frozen ground, effect on trenching (1926.651(c) and 652(b))	#2330;2506;
G	
General Duty (See)	
Geronimo Lines	#80-2984;
Grain dust (Sec. 5(a)(1));1910.1000(c) and (e))	#79-4549;
Grounding (1910.314(d)(4)(iii))	
Portable tool adoptor furnished	#298(RC);
Guard defined (1910.212(a)(1);213(h)(1); 265(e)(4)(ii);1926.500(d)(1))	#725;1191;1228;80-7140S;
Experience no substitute for	#1900;
Jig not (1910.213(m)(1))	#1263(RC);77-3770;
Required only where means exist (1910.212(a)(3)(ii))	Diebold
Guard rails	
Flat roofs under 5(a)(1)	#15681(RC);Schriber;
Not under 5(a)(1)	#79-5275;
Height of on personnel lift box	#3235(RC);
Metal banding as (1926.500(d)(1))	#8254;
Must be installed after deck is in	#4870;

WORDS AND PHRASES (Cont.)

H

Hazard of environment defined (1910.132(a))	#391;
Hazard defined (1910.132(a) and 212(a)(1))	#995;3066;
Term not vague (1926.28(a))	#6415(RC);
Headache ball, part of hook (1926.550(b)(2))	#3561;15538(RC)
Hoisting device (1926.251(a)(1))	
Rachet used as	#78-523;
Histosplasmosis	#77-3041(RC);
Hole in floor (1926.500(b) and (c))	
Distinguished from wall opening	#688;1225;
Housekeeping (1910.22(a)(1))	#79-2509;80-5309;
Temp. disarrary due to alterations	#2358;
Hot Pocket	#80-151;
Hydrogen cyanide	#78-31(RC);
Hydrogen sulfide	#78-2621;

I

Immediately defined (1903.16(a))	#3226(RC);
Impractical (1926.105(a))	
Ambiguous term	#15855;76-2258(RC);Bounds; So. Contractors Ser.
Improvement of (1926.950(a)(1))	
Discussed	#76-2044(RC);

WORDS AND PHRASES (Cont.)

Independent contractor	
Criteria to establish	#14801(RC);76-1408(RC);
In storage (1910.252(a)(2)(iv)(c)) (1910.350(y))	#2414;15757(RC);
In use discussed (1916.42(a)(3))	#1281;
Ineffectiveness meaningless	CTM
Inexcusable neglect	#78-5954(RC);
Injury or disease	
Probability of	#5;1833;
Must be reasonable	#2116;
Severity of	#6;
Measured by experience & expertise	#124(RC);
Inspection as used in standard (1926.251(a)(1))	
What constitutes of equipment used	#78-523;
Insulation (1926.550(a)(15))	
On electric wire not barrier	#3248;
Insured	#79-5933;
Iron Oxide	#81-231;

J

Jig not a guard (1910.213(m)(1))	#77-3770;

WORDS AND PHRASES (Cont.)

L

Lavatory means washbasin (1910.141(d)(2))	#392;
Lead	#80-119;79-5762(RC);
Length	#76-256(RC);
Light curtain	#79-4267;
Likely (General Duty)	#78-216;
Live line work defined	#77-3127;
Live load defined (1926.104(b))	#14907(RC);
Load defined (1926.550(d)(4))	#4809(RC);
Carrying capacity of crane determined by empirical evidence	#78-3155;
Includes dangling hose (1926.550(a)(15)(i))	#15388;
Load line is part of crane (1926.550(a)(15)(i))	#1128;
Lockout discussed (1910.261(b)(4))	#1815;
Lockout system(5(a)(1))	#78-5927;
(1910.318(a)(3(iii))	#79-6331;
Low enough defined (1819.21(b))	#1531;
Lowest feasible level critessen	#79-4005;

WORDS PHRASES (Cont.)

M

Maintained defined (1910.157(a)(1))	#15548(RC);
Mechanic defined	#9627(RC);
Melt Shop	#79-2600(RC);
Mercury	#81-407;
Methylenebic (MOCA)	#79-4005;
Milling discussed (Section 4(b) of Act)	#683;
Minimum explosion concentration (MEC)	#79-2509;
Modify defined (Section 10(c) of Act)	#221(RC);
Monkey	#79-4612;
Moving ground discussed (1926.651(c))	#2507;8684;79-460;
Equivalent to unstable or soft (1926.652(b))	#4395(RC);15230
Multistoried building (1926.500(d)(1))	
2 story house not	#76-404(RC);

N

Natural Gas	#80-6015;
Near defined (1926.106(a))	#8425(RC);

WORDS AND PHRASES (Cont.)

Near proximity (1910.151(b))	
Not vague	Santa Fe
10 blocks as	#1263;
5 1/2 miles as	#1541;
Neat and workmanlike defined (1910.310(e))	#258
Nitrogen dioxide	#80-2767;
"No hands in die" presses	#76-3270(RC);
Normal operating conditions defined (1910.179(f)(6)(i))	#13708(RC)
Maintenance not included (1910.179(g)(2))	#10825(RC);13320(RC);13477(RC); Bethlehem;

O

Observer for backing vehicle (1926.601(b)(4))	#133;79-5655;
Obstructed view	#79-6730;
Off highway trucks (1926.601(a)(b)(7) & (8))	#15715;76-4105(RC);
On (1910.23(c)(3))	#79-1388;
Open (1926.451(d)(10))	#13538(RC);
Opening (1916.43(b))	
Large vs. small	#77-2762;
Open-sided floor (1926.500(d)(1))	
Top of elevator not	#13140(RC);

WORDS AND PHRASES (Cont.)

Open-sided scaffold (1926.451(d)(10))	#16193(RC);
Open wiring (1926.400(a))	#2097(RC);
Or discussed (1926.28(a)) (10(c) of Act)	#15855(RC);15690(RC); #79-191;
Or otherwise protect means (1926.550(a)(9))	#3235(RC);
Other means (1926.400(c)(1)) What are	 #532(RC);

P

Partition (1910.141(c)(2)(i)) Lack of toilet is de minimis	 #123;
Permitted defined Employer's acts negating (1926.400(c)(1))	#3025; #207;
Permitting (1915.11(c)(1)(ii)) Definition includes "failing to permit"	 #76-1408(RC);
Pervasively regulated industry Walsh-Healy contractor not	 #78-661;
Pick (1926.451(i)(11))	#80-268;
Pier hole (1926.800(h)(3))	#77-383(RC);
Pipe chasing	#80-6166;
Pit (1910.22(c)) For vehicle maintenance as	 #78-2739;Greyhound;
Physical exams (1910.1001(j))	#80-2196;

WORDS AND PHRASES (Cont.)

Plain-view	
Violation must be in, and not just machine	#78-661;
Platform defined (1910.252(e)(1)(i))	#79-2963;
Point of Operation (1910.213(a)(3)(ii))	#16200(RC);12501(RC);78-5920(RC); #76-1656(RC);
(1910.217(d)(9))	#77-2616(RC);80-3235;
Positively secured (1926.550(f)(1)(iv))	#76-1567(RC);
Power line	
Method of calculating 10' (1926.550(a)(15)(i))	#832;
Transmission line defined (1926.400(b))	#207(RC);
Power press (1910.212(a)(1))	#11228(RC);80-234;
Shear machine not (1910.217(c)(2))	#1067(RC);
Practice (Section 17(k))	
Rare and isolated instances not	#85;
Precedential value of an unreviewed judge's decision	#78-4195(RC);79-949(RC);
Preemption	#78-5805(RC);
Presently in effect, defined	#1096;1102;1130;
Press brake (1910.212(a)(3)(ii))	
Presents no hazard	#9352;12470(RC);16200(RC);79-4921; 79-6090;
Prevent defined (1910.212(a)(2))	#9758;

WORDS AND PHRASES (Cont.)

Probability	#919;
Process defined (1910.132(a))	#391;594(RC);
Provide (1926.451(a)(13);1926.403(a)(5); 1926.28(a);1926.105(a); 1910.133(a)(1);1926.102(a)(1))	#258(RC);13615;14516(RC); 76-814(RC);76-4169;77-2395; 77-3529;79-1263;Kennecott

Q

Qualified person defined	#12459;

R

Readily accessible defined (1910.141(c)(1)(ii))	#639;3543(RC);
Reasonable diligence	#237;319;594;1264;1299;1405;1671; 1888;1930;2576;2578(RC);
Reasonable probability defined	#1603;
Reasonable safety	#76-2040;
Reasonably available 5 minutes away is (1926.50(c))	#15523(RC);
Regular intervals (1926.25(b))	#76-3901;
Removed from service (1926.401(a))	#433;
Repair defined (1910.145(f)(1)(i))	#155;76-1308;
Reportable events	#80-3985;
Responsible means (1910.242(a))	#355(RC);

WORDS AND PHRASES (Cont.)

Rope	
Sisal not equal to manila (1918.43(e))	#642(RC);
Routinely defined (1910.24(b))	#513(RC);
Rubbish	
Usable material not (1926.252(c)(1))	#810;
Runway (1926.500(d)(2))	#14300(RC);
Distinguished from platform (1910.23(c)(1))	#1410(RC);
Special purpose, petroleum (1910.23(c)(2))	#3544;5328;
Rupture (1910.94(d)(10))	#78-31(RC);

S

Safe (1916.41(a)(5))	#76-3444(RC);
Safe clearance (1910.22(b)(1))	#78-257;
Safe distance defined 1910.178(m)(6) & 1926.602(c)(1)(vi))	#2938;
Saprolite	#76-256(RC);
Securely rigged lines (1926.451(i)(8))	#77-2100(RC);
Self-closing door tied open (1910.37(b)(3))	#497;
Separation (1926.651(m))	
Unclear	#344;
Serious physical harm defined	#401;585;
Burns constitute	#77-3575;

WORDS AND PHRASES (Cont.)

Service stations	#79-3817;
Shall	
And should discussed	#213;1572;10825(RC);76-2938(RC);76-4636;77-3177;78-3229;78-5998(RC);Pittsburgh;Anaconda;Kennecott;
Should in standard makes advisory	#2565;7606(RC);12715(RC);13010(RC);76-406(RC);78-5010;Pittsburgh
Shall defined (1926.451(u)(1))	#211(RC)
In ANSI	#1572;3367(RC);10825(RC);10849(RC);76-2982(RC);80-927;
In standard	#3367(RC);
Meaning of Sec. 8(c)	#801(RC);
8(e)	#224(RC);
8(f)(1)	#2128;
9(a)	#2123;
Shall be allowed (1910.178(m)(2))	
Connotes permission by R	#419;
Shall be barricaded (1926.550(a)(9))	
Means a physical barrier	#5692(RC);
Shall be required (1910.133(a)(1))	
More than purchase required	#513;
Sharp (1910.184(c)(7))	#78-2365;
Shoring (1926.652)	
How to	#3469;79-914;

WORDS AND PHRASES (Cont.)

Shoring (1926.652) (Cont.)	
Nonhomogenous earth	**#76-1228(RC);**
Public convenience no defense to lack of	**#14946;**
Required where trench 5' or more if soft soil significant	**#76-1924(RC);**
Tree roots as compliance	**#3347;**
Should (See Shall)	
Single entity	**#77-3909(RC);**
Skylight openings (1926.500(b)(4))	**#80-5724;**
Special attention (1926.651(j))	**#80-2911;**
Spider basket	**#79-4612;**
Spray room defined (1910.94(c)(2))	**#13955(RC); 76-2400(RC);77-1133(RC);**
Outside	**#78-2665;**
Steel erection	
What constitutes	**#13875(RC);**
Steel skeleton structure	
Not building framework (1926.750)	**#12720;**
Sterilization	**#79-5762(RC);**
Stilts	**#80-1740S;**
Stoddard solvent not hazard (1910.132(a))	**#79(RC);**

WORDS AND PHRASES (Cont.)

Stored defined (1910.109(c)(1);1926.153(j); 350(j);250(b)(1);651(i)(1))	#1323(RC);13029(RC);13615; 13638;14157(RC);76-2623(RC); Dic-Underhill;
1926.904(b)	#14884(RC);
Stowed includes deck storage (1918.32(b))	#15242(RC);
Structure	
Does not include machine tool (1910.309(a)-400-4)	#76-940;
Subject defined (1910.95(b))	#77-1221;
Suitable facilities (1910.151(c))	
Eye wash	#2231; 76-2400(RC);
Swabbing	#77-1334(RC);
Swing	#15046(RC);
T	
Temporary floor defined (1926.28(a))	#6133;80-5547;
Unwelded steel sheets on roof not (1926.105)	#980;
(1926.500(b))	#76-181(RC);
Temporary labor camp (1910.142)	#14502;79-5715;80-917;
Motel as	#14096;
Single house is	#14303(RC);
That point defined (1910.213(r)(3))	#76-2419(RC);
Thorough inspection defined	#6971;

WORDS AND PHRASES (Cont.)

Tiered building defined (1926.750(b)(1)(ii))	#9850;12525(RC);76-4507(RC);
Loft building not	#7734(RC);
Net feasible	#76-1801(RC);
One storied building not	#76-628(RC);
Open bay building not	#78-467;
Ore crusher not	#12618(RC);
Temporary floor practical in	#12618(RC);
Tire assembly machines	#16188(RC);
To work (1926.105(a))	#2414(RC);
Trained (1926.302(e)(1))	#77-4310;
Transformer	#79-5933;
Tunnel (1926, subpart S)	
Defined to include cavity (1926.800(c)(2)(v))	#4892(RC);79-4517;80-762;80-2763;
Standards applicable to, apply to any work done within	#76-3100;

U

Unattended	
As applied to motor vehicle (1910.178(m)(5))	#569;1009;1588;2407;
Under the load defined (1926.650(h))	#323;549;1296;

WORDS AND PHRASES (Cont.)

Unsafe condition (1926.800)	#378;
Unstable earth (1926.652(b))	#2060;
Up defined (1910.252(a)(2)(v)(c)(1)) (See Valve end up)	#199;
Use defined (1926.601(b)(4))	#1445(RC);
Used (1910.132(a))	#76-1053(RC);78-1443(RC);78-4850 (RC);78-5577(RC);78-6247(RC); 79-4478(RC);79-6736;
1926.400(c)(2)	#78-5450(RC);

V

Valve end up (1910.252(a)(v)(c)(1)) No special meaning	#199;
Upright	#215(RC);
Vessel defined (1916)	#13799;
Vicinity defined (1915.84(c)(4))	#87;12534;
Visibily unsafe defined (1918.51(b))	#1744;

W

Walkway (1926.651(w))	#10677(RC);14300(RC);
Warning Lights	#79-1615;
Well secured and balanced (1910.179(n))	#80-3798;

WORDS AND PHRASES (Cont.)

Wherever practical defined (1910.252)	#1576;
Whalers	#79-1296(RC);
Wheelabrator	#78-1384(RC);
Wipe sample	#79-261(RC);
Without prejudice Dismissal is unless document states otherwise	#78-5704;
Work defined (1926.700(b)(2); 1926.556(b)(2)(v))	#14505(RC);15769(RC);
Working conditions defined Includes surroundings and hazards incident to work	#14291(RC);Southern RR So.Pac.Trans.
Working day defined	#524;
Workmanlike manner defined (1910.310(e))	#258;
Does not preclude temporary hanging light	#258;

STANDARDS

29 CFR 1903.2(a)[Posting OSHA poster]	#60;237;;306;354;392;398;412;480;549;575;604;634;665;678;690;700;732;748;801;837;853;988;991;1004;1086;1097;1111;1207;1348;1430;1445;1605;1654;1690;1740;1741;1811(RC);1886;2007;2031;2087;2272;2391;2426;2446;2535;2637;2782;3068;3186;3223;3287;3329;3808;3900;3948;4220;4387;4598;4681;4792;4808;5008;5222;5487;5816;5832;5857;5960(RC);6088;6901;7208;7533;7992;8387;9342;9662;9806(RC);10331;10556;10698;10920;11092(RC);11050;12496;12577;78-1103(RC);79-2379;79-3685;79-3304;79-3817;79-6635;80-917;80-1987S;80-1987S;80-1636;80-2474;80-2850;80-2952;80-2974;80-6325;80-7048;80-7140S;81-206;81-1015;
Distant construction site	#14523(RC);76-2748(RC);76-4905(RC);78-4960;80-457;80-4107;80-4979;
Each plant must receive notice	#829(RC);
Penalty for required	#78-4565;
1903.3(a)	#80-1636;
1903.4(d)[Warrant] Discussed	W & W Steel Co. (CCH 23,807)
Properly promulgated	W & W Steel Co. (CCH 23,807)
1903.5[Entry not a waiver]	#247;
1903.7(e)[Closing conference]	#12212(RC);
1903.11[Employee complaint]	#2128;
1903.16[Posting citation]	#306;354;491;719;725;1001;1078;1605;1654;2091;2255;3001;3287;3288(RC);4034;4049;4250;4703;6349;9090;10343;11543;13389;77-313(RC)

STANDARDS (Cont.)	
29 CFR 1903.16 (Cont.)	
Immediately defined	#3226(RC)
Cit. subsequently dismissed	#77-4267;
1903.16(b)[Duration of posting]	#6901;
1903.17(a)[Contests before RC]	#1625;3543(RC);
1903.18(a)[Failure to abate]	#1539;
1903.19[Informal conference] Who may conduct	#77-3338;
1903.21(a)[Computation of time]	#76-2165(RC);
29 CFR 1904[Supplemental record of injuries]	#146;158;237;258;292;316;412;738;988;1605;1654;2930;
Req. to be kept only after acc.	#298;
1904.1[Purpose & scope]	#612;
1904.2[Injury log][See Form 100]	#158;237;258;316;392;516;549;575;604;612;634;665;690;700;738;748;837;853;919;937;988;1001;1004;1086;1097;1111;1184(RC);1348;1430;1578;1605;1654;1690;1883;1886;2004(RC);2096;2185;2272;2391;2446;2684;2719;2930;3068;3288(RC);3329;3900;4115;4220;4387(RC);4800;5134;5627;5832;6088;6790(RC);7208;7992;8990;9806(RC);10698;11048;12298(RC);12496;12577;76-4905(RC);76-5033(RC);78-1865;78-3161;79-2379;79-6611;79-6635;80-3985;81-21; 81-560;
Establishment	
Trench const. going on two years is	#76-2444;

STANDARDS (Cont.)

29 CFR 1904.2 (Cont.)

Log at main office of const. firm complies	#12485(RC);
Maintain at each est. except when widely dispersed	#13380(RC);
Req. to be kept only after acc.	#298;
Workmen's Comp. form doesn't sat.	#3090;
1904.3[Period covered]	#316;
1904.4(a)[Supplementary record]	#392;665;837;1097;1111;2031;2272; 2487;2665;2719;4800;9806(RC); 12496;14090;79-6635;
1904.5[Annual summary]	#612;665;719;738;837;937;988; 1097;1338(RC);1605;1654;2096; 2446;2535;2679;3068;3186;3329; 4115;4220;4387(RC);5487;7208; 7992;10698;76-4905(RC);77-1999; 78-1202;79-1263;79-2215;
Penalty when only technical	#78-3532;
Workmen's Comp. Form doesn't satisfy	#3090;
.5(b)	#612;937;2391;
.5(c)(1)	#368;76-190(RC);78-2923(RC);
.5(c)(2)	#78-1490;80-2760;80-5810;
.5(d)	#247(RC);700;2487;2719;3020; 12577;76-1703;78-1202;79-2215;
Penalty for	#2571(RC);
1904.6[Retention of records]	#78-4672;79-1213;

STANDARDS (Cont.)

29 CFR 1904.7[Access to records] Not vague	Buckeye
1904.8[Fatality report]	#16;436;650;789;1015(RC);1799;1873;4800;5157;7936;8387;9088;9147;10478;76-4905(RC);80-1866;81-1977;
When time limit begins to run	#15958(RC);
.8(c)(1)	#158;1605;1654;
1904.9[Falsification or failure to keep records]	#510;
1904.12(g)[Establishment defined]	#612;
29 CFR 1910[General Industry Standard] Not all mandatory	#10825(RC);

Subpart A[General]

1910.5(c)(2)[Applicability of standard]	#3257(RC);3725(RC);
1910.10(b)	#80-4873;
1910.11[Scope and Purpose]	#77-805(RC);

Subpart B[Adoption of Standards]

1910.12[Construction work]	#1307(RC);1324(RC);1689;
.12(b)[Definitions]	#4725(RC); 76-2165(RC);76-3581(RC);77-3127;78-6265(RC);
1910.13[Ship repair]	#1248;

STANDARDS (Cont.)

29 CFR 1910.13(a)[Adoption of standards for]	#6(RC);77-805(RC);
1910.14(a)[Adoption of standards for shipbldg.]	#6(RC);251(RC);
1910.16[Longshoring]	#18(RC);
1910.20(d)[Avail. of records]	#80-2;
.20(e)(1)(i)[Written consent]	#80-7116;

Subpart D [Walking-Working Surfaces]

1910.21(a)(1)[Floor hole defined]	#583(RC);79-5420;
.21(a)(4)[Platform]	#76-2879(RC);79-5002;
.21(a)(5)[Runway]	#76-4940(RC);
.21(b)(2)[Nosing defined]	#4078(RC);
.21(b)(6)[Riser defined]	#1264(RC);
.21(f)(27)	#367;13874(RC);76-2332(RC);
1910.22[General requirements]	#61(RC);123(RC);187;
.22(a)[Housekeeping]	#227;237(RC);258(RC);414;434(RC); 583(RC);1575;1671;3223;4827;
Minor	#171(RC);
.22(a)(1)[Clean and orderly]	#60;61(RC);91(RC);130(RC);137; 241(RC);299(RC);392(RC);442(RC); 499;510(RC);605;683(RC);700(RC); 752;764;793(RC);1125;1183(RC); 1228;1305(RC);1341(RC);1344; 1506;1694(RC);1928;1951;2332; 2340;2453;2651;2739(RC);3288;

STANDARDS (Cont.)
29 CFR 1910.22(a)(1)(Cont.)

	#3393;3443(RC);3813;3990;4235;4237(RC);5026;5222(RC);5249(RC);5426;6088;8221(RC);9178;9895;10096(RC);10228;10331;11048;11742(RC);12459;12534;12840;13141;13401(RC);76-1036(RC);76-5344(RC);77-2338;77-2788;77-2876;77-3050;78-1715;78-2041(RC);78-2128;78-2163;78-4195;78-4482;78-5010;78-5289;79-2509;79-2510;79-3316;79-3320;79-4194;79-5572;79-5573;80-3545S;80-4340;80-5309; 81-1530;
Applicability	#77-226;
Clean defined	#15952;
Debris must be unreasonable amount	#77-1289;
Dust explosion not covered by	#78-6171;
Large area	#77-3402
Material at side of aisle	#77-4192;
Not for materials nec. to do job	#13507(RC);
Not vague	#946(RC);
Performance standard	#78-2128;
Temporary disarray due to alterations	#2358;
.22(a)(2)[Condition of floors]	#227;299(RC);414;961(RC);1012(RC);1671;1716;1936;2358;3393;3443(RC);8862(RC);10270;10978;13401(RC);15009;77-1713;77-3402;78-977;79-2510;79-5324;79-6223;
"Excessive" not vague	#11764(RC);

STANDARDS (Cont.)

29 CFR 1910.22(a)(3)[Floor free of nails, etc.]	#299(RC);510(RC);961(RC); 2577;4237(RC);13591(RC);
.22(b)(1)[Aisles-See 1910.176(a)]	#48(RC);130(RC);137;450(RC); 594(RC);665(RC);752;961(RC); 1305(RC);1341(RC);1686;1694(RC); 1951;2096;2597;3682;4212;4237(RC); 4827;5104;6286(RC);7674(RC); 7987(RC);8862(RC);12496;77-3402; 79-1209;79-1544;79-2249;80-6601;
Safe clearance	#13401(RC);78-257;
.22(b)(2) [Aisles marked]	#191(RC);227;700(RC);764;1012(RC); 1183(RC);2529;3288(RC);3329; 3777;4237(RC);4827;5873(RC); 6286(RC);10096(RC);79-3320; 80-2843;
.22(c)[Pits guarded]	#1242;1318(RC);1547;2272(RC); 3685(RC);3777;8228(RC);12035(RC); 76-942;77-617(RC);77-2876;78-982; 78-1977;78-2163;78-5192;79-6383; 80-2974;80-6490;Lee Way; Ranscom;
Applies to industry generally	#1105(RC);
Not vague	#76-2334(RC);
"Open pit" Is unless guarded	#10889(RC);12063(RC);78-2739(RC);
Origin of	Greyhound;
.22(d)(1)[Floor load signs]	#961(RC);1183(RC);1506;1686; 3375;8377;11109;77-3432; 80-7140S;
Does not apply to platform	#16122;
Must establish ownership or agency	#10699(RC);

STANDARDS (Cont.)

29 CFR 1910.22(d)(1) (Cont.)

Not enforceable	#8960;
Only applies if there is a gov't. "building official"	#76-2992;
Vague	#6316;
1910.23(a)(1)[Floor openings] Holes to receive debris	#583(RC);1516; #78-4510;
.23(a)(2)[Ladderway openings]	#13401(RC);76-4636;78-1710;
.23(a)(3)[Hatchway & chute opening]	#3839;78-1710;Greyhound;
.23(a)(5)[Pit & trapdoor opening]	#476;608;1045(RC);1191;1883;10228; 77-3221;
.23(a)(7)[Temp. floor opening]	#299;509(RC);513(RC);77-2788; 79-4505;80-2273;
.23(a)(8)[Holes into which can walk]	#299;456(RC);520(RC);583(RC);1897; 3685(RC);3777;7606(RC);13417; 79-1658;79-3817;79-6223;80-6601;
.23(a)(8)(ii)	#77-2788;
.23(a)(9)[Floor hole due to machine]	#3777;
.23(b)[Wall opening]	#450(RC);683(RC);752;3490;
.23(b)(1)(i)[Type of barrier]	#11048;76-3506(RC);
.23(b)(2)[Chute wall opening]	#594;3777;4144;

STANDARDS (Cont.)

29 CFR 1910.23(b)(3)[Window wall opening]	#1183;
.23(c)(1)[Platform railing]	#48(RC);84;158;251(RC);258(RC);329(RC);367;396;450(RC);508;587(RC);665(RC);668(RC);683(RC);764;793(RC);1039;1208(RC);1231(RC);1285(RC);1506;1516;1686;1716;1758(RC);1987(RC);2004(RC);2179;2279(RC);2535;2568;2887;3288;3777;4415(RC);7606(RC);8285(RC);8907;8927(RC);11167(RC);76-4636;78-1351(RC);78-1799;78-1877;78-2474;78-4195;78-4611;78-5311;78-5820;79-5573;79-6383;80-1041;80-1759;80-4873;80-6490;80-6601;GEI;
Does not apply to top of transformer	#5210(RC);
Manufactured material not barrier if such function only incidental	#392(RC);
Runway & platform distinguished	#1410(RC);
Top of machine as platform	#12862(RC);
.23(c)(1)(i)[Persons pass underneath]	#752;764;1424;3119;
Platform discussed	#79-933;79-5002;
.23(c)(1)(iii)[Falling material create hazard from equip.]	#392;76-2879(RC);
.23(c)(2)[Runway guarding]	#61(RC);838;1863;3626;7987(RC);8285(RC);76-4026(RC);76-4940(RC);77-2876;77-4333;78-611(RC);80-1759;
Special purpose	#3544;5328;
.23(c)(3)[Areas above dangerous area]	#155;594;838;1191;1516;2117;2272(RC);2276;2613;3682;4054;77-2788;78-4675;79-1209;80-6490;
Railing on platform not beyond	#79-1388;

STANDARDS (Cont.)

29 CFR 1910.23(c)(3) (Cont.)

Must be read in conj. w/(c)(1) & (2)	#79-1388;
.23(d)[Stairway guarding]	#251;299;367;476;583;689;
.23(d)(1)(i)[Stairway less than 44" both sides enclosed]	#476;700;752;961;3170;6316; 12283(RC);
.23(d)(1)(ii)[Stairway less than 44" one side open]	#5426;8330;78-1907; 81-346S;
.23(d)(1)(iii)[Less than 44", both sides open]	#1657;3375;9810;13750(RC); 77-2876;78-6181;79-3817;
Not applicable to portable steps	#2777;
.23(d)(1)(iv)[4 or more risers]	#79-898;
.23(e)[Railing etc. spec.]	#299;583;741;1125;1593;76-4636;
.23(e)(2)[Const. of railing]	#1191;
1910.24[Fixed industrial stairs]	#58;4078;
.24(b)[Where required]	#130;450;510;1004;1191;1694; 1716;3682;3777;5026;78-1715; 80-6601;
Routine use defined	#513(RC);
.24(c)[Stair strength]	#1694;
.24(d)[Stair width]	#1424;
.24(e)[Angle of stair rise]	#2477;9810;

STANDARDS (Cont.)

29 CFR 1910.24(f)[Stair treads]	#1694;3777;11048;80-6490;
.24(h)[Railings & handrails]	#583;1039;1424;1694;2276;
Minor	#171(RC);80-6490;
1910.25(a)[Portable wood ladder]	#3518;14123;
.25(b)(c)[Materials & const.]	#251;
.25(c)(4)[Special purpose ladders]	#1683;
.25(d)(1)(i)[Ladder care]	#61;299;398;1951;
.25(d)(1)(iv)[Cond. of safety feet]	#61;
.25(d)(1)(x)[Inspect ladders]	#398;779;961;1683;2771;
.25(d)(2)(i)[Ladder pitch]	#79-2779;
.25(d)(2)(iii)[Placing portable ladders]	#1683;
.25(d)(2)(vii)[Method of using]	#2840;
.25(d)(2)(viii)[Def. ladder not used]	#608;1516;
.25(d)(2)(ix)[Ladders not spliced]	#77-1925;
.25(d)(2)(xix)[Provide non-slip base]	#497;
1910.26(a)[Portable metal ladders]	#450;
.26(c)[Care of ladder]	#683;
.26(c)(2)[Misuse]	#1951;

STANDARDS (Cont.)

29 CFR 1910.26(c)(2)(iv)[Maintained]	#227;
.26(c)(2)(v)(d)[Ladder exp. to oil, etc.]	#857;
.26(c)(2)(vii)[Def. ladder marked]	#988;76-4636;
1910.27(b)(1)[Fixed ladder features]	#5566;
.27(b)(1)(ii)[Distance between rungs]	#2577;13283;
.27(b)(1)(iii)[Rung length] Minor	#2739;13283; #171(RC);
.27(b)(1)(iv)[Splinter free]	#857;
.27(b)(2)[Distance between rungs]	#78-626;
.27(b)(7)[Protect against deterioration]	#77-2876;
.27(c)(4)[Clearance behind ladder]	#1039;2739;13730;78-1710;
.27(c)(6)	#78-4960;
.27(d)[Special requirements]	#1897;13283;
.27(d)(1)(ii)[Ladder cages etc.]	#1671;14015;77-226;
.27(d)(1)(v)[Cages size]	#80-5474;
.27(d)(1)(vi)[Wells size]	#80-5474;
.27(d)(2)[Landing platforms]	#1863;2676;2739;13283;76-914; 76-1481(RC);77-2526;78-1907; 80-1636;

STANDARDS (Cont.)

29 CFR 1910.27(d)(2)[Landing platforms] (Cont.)

Minor	#171(RC)
.27(d)(3)[Ladder extensions]	#665;1039;13730;78-1710;80-3052;
.27(d)(4)[Grab bars]	#61;
.27(d)(5)[Ladder safety devices]	#4845(RC);13283;15854;80-5474;
.27(e)(1)[Ladder pitch]	#61;
.27(f)[Maintenance]	#61;2739;8221(RC);77-2876;
1910.28(a)[Safety reg. for scaffolding]	#531;970;77-3037;77-4002;78-718;
Compliance required only if there is hazard	#76-93(RC);
Elements of	#5599(RC);14098(RC);
General only	#2384;
Not app. to agric.	#13535(RC);
Not vague	Allis-Chalmers;
Includes scaffolds	#76-3697;
.28(a)(1)[Gen. Requirements]	#76-2879(RC);80-1041;
.28(a)(3)[Guardrails & toeboards]	#367;805;5315;77-4333(RC);79-692;
Invalidly promulgated	Kennecott;
.28(a)(9)[Spec. for planking]	#5566;
.28(a)(11)[Planking overlapped]	#805;
.28(a)(12)[Access ladder]	#5315;79-692;
Only requires ladder be provided	Kennecott

STANDARDS (Cont.)

29 CFR 1910.28(a)(13)[Planks over end supports]	#805;5566;
.28(a)(17)[Screening]	#247;
.28(a)(20)[Accumulation on]	#97;79-3438;
.28(c)(3)[Heavy duty tube & coupler]	#1683;
.28(c)(13)[Tied to bldg.]	#161;
.28(c)(14)[Guardrails & toeboards]	#161;
.28(d)(7)[Guardrails on tubular scaffold]	#77-2876;
.28(e)(1) & (2)[Outrigger scaffold]	#4503;
.28(g)(5)[2 point suspension scaffold]	#13334(RC);
.28(g)(9)[Load capacity]	#13334(RC);76-3697;80-5999;
.28(i)(10)[Suspension methods]	#80-5999;
.28(j)(4)[Boat swain's chair lifeline]	#4713(RC);76-3241(RC);
.28(s)[Roofing brackets]	#211;
1910.29(a)(3)(i)[Work level on port. stand]	#2739;5378;
1910.30(a)[Dockboards]	#450;849;

STANDARDS (Cont.)

29 CFR 1910.30(a)(4)[Handholds]	#12287;
.30(a)(2)[Portable dockboards]	#497;498;
.30(c)(1)[Sides of steam vats]	#988;
.30(c)(2)[Walkway between vats]	#251;
.30(b)(1)[Forging machine location]	#1430;

Subpart E[Means of Egress]

1910.36(a)(2)[Constructed etc.]	#78-1339;
.36(b)(1)[Fire escape]	#1430;3059;7988;9342;10923;77-1865;79-1575;
.36(b)(2)[Building exits]	#434;
.36(b)(3)[Bldg. design avoid danger]	#367;5016;76-261;
Not vague	#76-2049(RC);
.36(b)(4)[Exits provide free egress]	#61;68;434(RC);479;497(RC)510;605;1686;2339;3624(RC);4027;8990;9553;11048;11536;12573;13944;16355;76-515;76-1036(RC);78-4134;79-1544;79-2586;79-6223;
Sliding door as	#11118(RC);79-5420;
.36(b)(5)[Exits visible]	#61;68;434(RC);700;11192;
Minor	#171(RC);79-5420;
.36(b)(6)[Exits adequately lighted]	#434(RC);

STANDARDS (Cont.)

29 CFR 1910.36(b)(8)[2 means of exit]	#130;1810(RC);7988;12208;12424; 386;605;1780;2700;3090;4419(RC); 4785;7290(RC);13815;15880;76-2040; 79-4615;79-6933;
Is a second exit reasonably required	#77-2876;
Not vague	#510(RC);
.36(d)(1)[Maintenance]	#434;731;961;1549;9895;10989; 76-1036(RC);
.36(d)(2)[Fire system in good shape]	#752;4785;
1910.37(a)(1)[Components of exit]	#1060;
.37(b)(3)[Self-closing fire door]	#497;
.37(f)(1)[Access to exits]	#4800;
.37(f)(2)[Flow of traffic]	#81-614;
.37(f)(5)[Exit not thru high hazard]	#3375;
.37(f)(6)[Access to exits]	#13591(RC);
.37(i)[Headroom]	#76-261;78-2797;
.37(j)[Changes in elevation]	#6448(RC);
.37(k)(2)[Exits free of obstruction]	#742;838;1872;2004(RC);3777; 12573;13944;14291(RC);76-261; 78-1269;78-4134;79-3320;79-3368; 80-2843;81-614;
.37(n)(2)[Fire alarm cond. after trial]	#4078;

STANDARDS (Cont.)

29 CFR 1910.37(q)[Exit marking]	#367;640;689;714;752;881;988;1183;2004(RC);2339;2597;3090;3133;3288;3777;4237;6088;8116;76-515;76-1036(RC);79-5420;
Plainly visible exit must be marked	#13071(RC);
.37(q)(2)[No exit door so labeled]	#104;3777;76-1435;
.37(q)(5)[Exit labeled]	#4291;4785;10104;79-6223;
.37(q)(6)[Sign lit]	#479;
.37(q)(8)["EXIT"]	#79-5420;

Subpart F[Powered Platforms, etc.]

1910.66(b)(1)(i)[Mobile op. platform]	#4503;
.66(b)(5)(iii)[Power platform req.]	#2804;
Only applies to permanent platforms	#14236(RC);
.66(c)(22)(ix)[Wiring with roof car]	#922;
.66(d)(7)[Emergency comm.]	#1046;
.66(e)(3)[Maint. inspect. & tests]	#14236(RC);
.66(e)(9)[Making inoperative]	#80-4099;
1910.67(c)(2)(v)[Body belt, etc.]	#16162(RC);78-1490;

STANDARDS (Cont.)

29 CFR 1910.68(b)(6)(iv)[Manlift landing surface]	#1671;
.68(b)(6)(v)[Emer. landing surface]	#1671;
.68(b)(7)[Guard on underside]	#1671;
.68(b)(8)(i)[Guardrails]	#1671;
.68(c)(7)(ii)[Top floor warning]	#1671;

1910.93[Air contaminants] (See 1910.1000)

.93q(m)(1)	#13693;
.93q(m)(2)(i)(6)	#13693;
Asbestos fiber definition	#10757;

Subpart G[Environmental Control]

1910.94(a)(1)(ii)[Abrasive blasting resp.]	#6007;
.94(a)(4)(iii)[Resp. prot. program]	#3777;76-4019;
.94(a)(5)(ii)[Respirators worn]	#389;
.94(a)(5)(v)[Operators equipped]	#76-4636;
.94(a)(5)(v)(b)[Face protection]	#78-4751;
.94(a)(6)[Air supply]	#3601;78-4751;
.94(a)(7)[Operational safety]	#78-4751;

STANDARDS (Cont.)

29 CFR 1910.94(b)(1)(vii)[Exhaust system]	#3601;
.94(b)(2)	#2792;2802(RC);3777;
.94(b)(3)(i)[Hoods]	#1694;79-2969;
.94(b)(3)(ii)[Grinding wheel exhaust]	#2896(RC);
.94(b)(5)(x)[Hood construction]	#3601;
.94(c)(1)(ii)[Spray booth]	
Must be construed 2/1910.107	#7176(RC);
Reversed	#13955(RC);
.94(c)(1)(iii)	#77-1133(RC);
.94(c)(2)[Location]	#1645; 76-2400(RC);76-4760;78-2712;
Must be read in conj. with 107	#7176(RC);76-4760;
Reversed	#13955(RC);
Spray room defined	#13955(RC);
.94(c)(3)[Design & construction]	#1645;
.94(c)(3)(i)(b)[Booth made of]	#76-733;
.94(c)(4)(i)	#77-1133(RC);
.94(c)(4)(ii)[Spray booth doors]	#16109;76-20(RC);
.94(c)(5)[Ventilation]	#1645;
.94(c)(6)[Air flow requirements]	#12526;16109;
.94(c)(7)[Make up air]	#6316;
.94(d)[Open surface tanks]	#3562;

STANDARDS (Cont.)

29 CFR 1910.94(d)(2)[Classification of]	#829(RC);
.94(d)(4)[Control requirements] Applies only when toxic concentration exceeded	#7801(RC);
.94(d)(7)(iii)[Exhaust systems]	#13591(RC);
.94(d)(9)(i)[Personnel protection]	#134;829(RC);78-982;78-5311;
[Not to storage tanks]	#79-3370;
Not vague	#7490(RC);
.94(d)(9)(iii)[Gloves]	#513;79-6223;
.94(d)(9)(iv)[Protective clothing]	#16194;
.94(d)(9)(v)[Goggles] Failure to provide goggles does not include failure to use	#13401(RC);77-2616(RC); #3443(RC);
.94(d)(9)(vii)[Rinse facility]	#946;1516;1716;3113;3443(RC); 78-5311;
.94(d)(9)(viii)[Skin lesions] Not vague	#7490;79-2220;
.94(d)(9)(x)[Clothing storage]	#1423;
.94(d)(10)[Cyanide precautions]	#6625;77-2616(RC);78-31(RC); 79-2220;
.94(d)(13)(i)[Scope]	#2276;
1910.95(a)[Noise levels]	#268(RC);338;389;456;855;914; 1098;1101;1104;1231(RC);1746; 2367;3162;3777;5978;6027;7848;

STANDARDS (Cont.)
29 CFR 1910.95(a)(Cont.)

	#9616;11542;10609;10639(RC); 12817(RC);76-222(RC);77-1022; 77-2846(RC);77-3622;78-216; 78-1247;78-1303;80-3320; 81-231;
Audiodosimeter valid test device	#76-4636;
Determined by brief meter use and observing employee in area	#4612(RC);
Merges into .95(b)(i)	#78-3297;
Newspaper	#77-580;
Nonserious	#79-624;
Not vague	#14702(RC);
Valid	#11869(RC);
.95(b)(1)[Controls]	#158;268;299;389;456;687;914; 1098;1101;1104;1746;2038;2116; 2367;2453;2500;2619;2786(RC); 3162;3635(RC);3777;3783;3813; 3827;4612;6286(RC);6492;6891; 8165(RC);10270;10609(RC);10920; 11865(RC);13102(RC);13417; 13439(RC);13732(RC);13949(RC); 15654(RC);76-1463(RC);76-4572(RC); 77-672;77-926;78-1221;77-1817; 78-145;78-216;78-723;78-1246; 78-1303;78-449(RC);78-4894;78-5046; 78-5321;79-361;79-1868;79-3179; 79-4077;79-6375E;79-6613;80-1403P; 80-6511;Turner;RMI;West Point; Noblecraft;
Controls Administrative defined	#3635(RC);76-4636;
Earplugs as	#15362;

STANDARDS (Cont.)
29 CFR 1910.95(b)(1) (Cont.)
Controls (Cont.)

Economic	#3685;3973;
Feas. eng. & adm. before pers. prot.	#8165(RC);
Isolation booth is	#78-5835;
Merges into (a)	#78-3297;
Newspaper	#77-580;
Nonserious	#79-624;
Not nec. to reduce to acc. limits	#3973(RC);13773(RC);
Proof not necessary they will reduce to G16 levels	#6352(RC);13068;
SOL must prove feasibility of	#1551(RC);6268(RC);
Technically feasibility	
Includes technology & economics	#6632(RC);8255(RC);10925(RC); 13773;
Testing	
Grab samples	#1231;1758;14702(RC);
To prove SOL must est. failure to utilize feasible eng. & adm. controls	#6632(RC);West Point;
Showing controls exist does not satisfy	#6632(RC);
Includes .95(a)(1)	#78-3297;

STANDARDS (Cont.)
29 CFR 1910.95(b)(1)(Cont.)
(Controls) (Cont.)

Noise levels	
Period req. to monitor	#10639(RC);
Not arbitrary or capricious	#77-580;
Not vague	#3635(RC);3905;4474;7134;10925 (RC);11869(RC);14702(RC);77-580;
SOL must specify where noise excessive	#14702(RC);Harrison
Valid	#3635(RC);3973(RC);8165(RC); 11865(RC);15362;79-6938;
.95(c)(3)[Hearing cons. program]	#456;3777;4734;6286(RC); 6832;7134(RC);78-3297; 81-231;
Vagueness	#802(RC);2200(RC);7134(RC); 80-1841;80-2562;
.95(a) and (b)	
Cannot be charged as sep. viol.	#2887;
1910.96(d)(1)[Precautions]	#9392;
.96(d)(2)[Monitoring]	#9392;
.96(e)(2)[Radiation area]	#9392;
.96(n)(1)[Records]	#9392;
1910.97(a)(2)(i)[Radiation prot. guides]	
Advisory	#12715;80-4873;

Subpart H[Hazardous Materials]

1910.101(b)[Compressed gases]	#700;1951;4785;78-1834;78-2163; 78-5975;79-1585;79-2586;

STANDARDS (Cont.)

29 CFR 1901.102(a)[Acetylene cylinders]	#700;79-4435;
1910.103(d)(3)[Design consideration]	#1139;
1910.104(b)(2)(iii)[Bulk storage leakage]	#76-484(RC);
.104(b)(3)(iii)[Fire resist. structures]	#2885;
.104(b)(3)(ix)[Flammable gas storage]	#3833;
.104(b)(9)[Operating instructions]	#1689;
1910.105(a)[Nitrous oxide]	#3320;7936;
1910.106[Flammable & comb. liquids]	#760;
.106(a)(8)[Chemical plant defined]	#76-2721;
.106(b)(2)(ii)[Spacing between tanks]	#76-929;76-2721;
Not concerned with safety	#76-482;
.106(b)(2)(iii)[Location of tanks]	#76-2721;
.106(b)(2)(iv)(f)[Tank for 1A liquids]	#10506;
.106(b)(2)(vii)(a)[Drainage & diking]	#7554;13750(RC);76-929;
.106(b)(2)(vii)(b)(2)[Drainage into]	#1829;13750(RC);
.106(b)(2)(vii)(c)(5)[Drainage slope]	#1008;1829;

STANDARDS (Cont.)

29 CFR 1910.106(b)(2)(vii)(c)(7)(i)[Tank cond.]	#1008;1829;
.106(b)(3)(iv)[Tank venting]	#714;
.106(b)(5)(ii)[Fire resistance]	#76-2721;
.106(b)(6)[Sources of ignition]	#935;5222;
.106(b)(7)[Testing]	#935;
.106(c)(4)[Pipe supports]	#1008;
.106(c)(5)[Corrosion protection]	#76-2721;
.106(d)(2)(i)[Container design]	#2571(RC);15952;76-2721;76-4636;
.106(d)(2)(iii)[Container size]	#6088;
.106(d)(3)(ii)[Fire resistance]	#76-2360;79-5420;
.106(d)(4)(i)[Inside storage design]	#805;12526;80-1759;
.106(d)(4)(ii)[Flam. fluids in inside room]	#78-1595;
.106(d)(4)(iv)[Ventilation]	#12526;13393;
.106(d)(4)(v)[Storage]	#513;78-1595;
.106(d)(5)(i)	#76-1036;
.106(d)(5)(ii)[Container]	#251;

STANDARDS (Cont.)

29 CFR 1910.106(d)(5)(iv)(a)[Public area storage]	#1549;
.106(d)(5)(iv)(c)[Display containers]	#1549;
.106(d)(6)(iv)[Security]	#79-4194;
.106(d)(7)(i)(a)[No. of extinguishers]	#12526;78-5975;
.106(d)(7)(iv)[Water reactive materials]	#80-1759;
.106(e)[Industrial plants] Applies to industrial plants only	#180;849;1278;1645; #76-1435;
.106(e)(2)[Incidental storage]	#1012;
.106(e)(2)(ii)[Containers]	#752;799;1278;12840;78-1595; 78-5311;
.106(e)(2)(ii)(b)[Quantity stored]	#1278;
.106(e)(2)(ii)(b)(2)[Class 1B, 1C, II or III]	#513;2896(RC);77-672;79-6635;
.106(e)(2)(iii)	#79-6611;
.106(e)(2)(iv)(a)[Covered container]	#688;2571(RC);12526;13225;13393; 78-454;78-1834;
.106(e)(2)(iv)(c)[Ignition]	#79-6223;
.106(e)(2)(iv)(d)	#79-3817;79-6611;

STANDARDS (Cont.)

29 CFR 1910.106(e)(2)(iv)(b)[Care of spills]	#134;8221(RC);
.106(e)(2)(iv)(c)[Use of class I liquids]	#1645;78-729;
.106(e)(2)(iv)(d)[Drawn thru closed system]	#191;13225;78-5975;
.106(e)(3)(iv)(a)[Emergency drainage]	#134;
.106(e)(5)(i)[Portable equipment]	#1575;
.106(e)(6)[Sources of ignition]	#4415(RC);
.106(e)(6)(i)[General]	#1318;1694;2028;3927;14430; 79-5763;
.106(e)(6)(ii)[Grounding]	#2571(RC);13225;78-1595;
.106(e)(7)(i)(c)	#79-5763;80-6622;
.106(e)(8)	#79-5763;
.106(e)(9)[Housekeeping]	#1012;
.106(e)(9)(i)[Housekeeping general]	#13591(RC);
.106(e)(9)(iii)[Waste & residue]	#2739;
.106(f)(3)(iv)(a & b)[Spark arrestor]	#79-2160;
.106(f)(8)[Fire control]	#1008;1829;
.106(g)[Service stations]	#60;

STANDARDS (Cont.)

29 CFR 1910.106(g)(1)[Storage & handling]	#1423;
.106(g)(1)(i)(a)[Liquid storage]	#76-4636;78-1595;79-3817;
Oil refinery not a service station	#3769;80-785;
Only applies to retail est.	#76-2954;
.106(g)(3)(iii)[Inside dispenser]	#14412;79-3817;
.106(g)(3)(iv)(b)[Spec. for nozzle]	#78-1595;
.106(g)(3)(iv)(d)[Mounting dispenser]	#3839;78-1595;79-3817;
.106(g)(8)[No smoking signs]	#78-1595;79-3817;
.106(g)(9)[Fire control]	#1694;78-1595;79-3817;
.106(h)(4)(i)(d)[Flammable storage]	#700;76-2721;
.106(h)(4)(ii)(c)[Id. pipes w/ flammable]	#76-2721;
.106(h)(4)(iv)(a)[Equip. design]	#76-2721;
.106(h)(7)(i)(a)[Care to take]	#76-2721;
.106(h)(8)(i)[Housekeeping]	
Chemical plant not covered by	#11238;
1910.107[Spray finishing w/comb. material]	#76-4760;
Must be construed with 1910.94(c)(See)	

STANDARDS (Cont.)

29 CFR 1910.107(a)(2)[Spraying area]	**#1645;6316;77-1133(RC); 77-3285(RC);**
.107(b)(1)[Booth construction]	**#78-454;**
.107(b)(2)[Interiors]	**#79-5420;**
.107(b)(3)[Floors]	**#1234;1243;1645;**
.107(b)(5)(i)[Design of spray op.]	**#1423;4212;76-3723;76-4760; 77-553(RC);77-3689;78-2665;**
.107(b)(5)(iv)[Sprinkler protection]	**#4212;12424;76-4760;77-3689; 78-2026;78-2665;**
.107(b)(6)[Frontal area]	**#76-4760;**
.107(b)(8)[Separation of operation]	**#6316;**
.107(b)(9)[Cleaning]	**#4212;**
.107(b)(10)[Illumination]	**#78-2665;**
.107(c)[Source of ignition]	**#1278;**
.107(c)(2)[Separation of spark equip.]	**#3624(RC);10337;76-4636;77-4236; 78-454;79-3817;**
.107(c)(3)[Hot surface in spray area]	**#76-1901;**
.107(c)(b)[Flammable materials]	**#77-1133(RC);**
.107(e)(3)[Containers]	**#78-2665;**

STANDARDS (Cont.)

29 CFR 1910.107(c)(5)[Combustible residue area]	#6316;7860;16109;76-4760;78-1595; 78-1770;78-1834;78-1901;79-3817;
.107(c)(6)[Wiring type approved]	#752;881;3624(RC);6316;7860; 16109;15983(RC);76-4636;76-4760; 78-1834;78-1848;78-1901; 80-6661B;
.107(c)(7)[Lamps]	#1423;76-4760;79-1817;
.107(d)(2)[Ventilation, general]	#1285;2218;2311;6316;13374(RC); 78-1901;79-5420;
Adequate ventilation discussed	#6606(RC);
.107(d)(3)[Independent exhaust]	#76-4760;
.107(d)(5)[Electric motors]	#3119;6316;12840;79-242(RC); 79-3040;
.107(d)(6)[Belts]	#1423;
.107(e)(1)[Storage of combustibles]	#7232;11240;
.107(e)(2)[Quantity]	#414;1263(RC);3624(RC);6606(RC); 7232;7860;16109;78-454;78-1595; 78-1834;
Vague	#1263;
.107(e)(2)(iv)(a)[Kept in tightly closed can]	#78-1848;
.107(e)(3)[Containers]	#7232;79-3817;
.107(e)(4)[Transferring liquids]	#1234;1243;
.107(e)(9)[Grounding]	#10096(RC);78-5975;79-3817;

STANDARDS (Cont.)

29 CFR 1910.107(f)(1)[Protection conformance]	#12495;
.107(f)(3)[Cleaning sprinkler heads]	#3443(RC);5136;7232;
.107(f)(4)[Portable sprinkler heads]	#3624(RC);
.107(g)(1)[Spraying]	#3119;4922;78-1834;79-5420;
.107(g)(2)[Cleaning]	#1506;3113;3119;3624(RC);79-3817;80-6661B;
De minimis	#76-3816;
.107(g)(3)[Residue disposal]	#1263;3443(RC);5426;
.107(g)(4)[Clothing storage]	#1423;
.107(g)(5)[Solvents]	#78-2665;79-3817;
.107(g)(7)[No smoking signs]	#1423;3624(RC);78-5975;79-3817;
"At" defined	#3639;
.107(m)(1)[Spraying w/organic peroxides]	#78-1510;
1910.108(b)(1)[Vapor area ventilation]	#11858;12424;
.108(c)(2)[Overflow pipes]	#836;1423;11858;12424;13401(RC);
.108(c)(3)[Bottom drains]	#836;1423;3664-P;11858;13401(RC);
.108(c)(5)[Auto. extinguishing facility]	#1423;11858;12424;
.108(c)(6)[Conveyor system]	#836;

STANDARDS (Cont.)

29 CFR 1910.108(d)[Liquids used in dip tanks]	#11858;12424;
.108(e)(1)(i)[Vapor areas]	#11858;
.108(f)(1)[Operations and maintenance]	#1423;12424;
.108(f)(4)[Warning signs]	#1423;
.108(g)(6)[Dip tank covers]	#849;
.108(h)(1)(vii)[Comb. drain & oil cir. sys.]	#3664;
1910.109(c)(1)[Storage of explosive]	#1323(RC);5946;
.109(c)(1)(ii)[Blasting caps]	#1323(RC);
.109(c)(3)(i)[Class I magazine]	#954;
.109(c)(4)(iv)[Class II painted red]	#9342;
.109(c)(5)(i)(5)[Storage of explosive]	#954;
.109(c)(5)(ii)[Packing & unpacking]	#954;
.109(c)(5)(vii)[Smoking etc.]	#9342;
.109(d)(3)(ii)[No parking explosive trucks]	#954;
.109(e)(3)(iv)[Loading holes]	#5946;
.109(g)(2)(vi)(e)[Land around mix plant]	#954;

STANDARDS (Cont.)

29 CFR 1910.109(g)(5)(iii)[Smoking near blasting agents]	#954;
.109(g)(5)(iv)[Storage bldg. kept clear]	#954;
1910.110(b)(6)(ii)	#17525(RC);
.110(b)(13)(iv)[Pet. tank truck loading]	#76-124;
.110(d)(10)[Damage from vehicles]	#2840;80-6687;
.110(f)(2)(iii)	#79-6611;
.110(a)(14)[Fire protection]	#1012;
1910.111(b)[Basic rules for anhydrous ammonia]	#1127;

Subpart I[Personal Protective Equipment]

1910.132[General Requirements]	#215;306;793,1382;1396;
.132(a)[Application]	#187;302;414;442;506;1487;1694;2343;4532;6007(RC);6083;6134;6499(RC);6589(RC);7204;7533;8056;9109;10331;10506;10813;11285(RC);12097;12569(RC);13030(RC);13164(RC);13401(RC);14291(RC);14484(RC);15037(RC);76-596(RC);76-1053(RC);77-672;77-2401;77-2549;77-3622;77-4343;78-982;78-1710;78-3468;78-6247(RC);78-6265(RC);79-310(RC);79-407(RC);79-1552(RC);79-2220;79-2765;79-4005;79-5373;79-6736B;80-1609;80-2273;80-2984;80-3102;80-4711;80-4976;80-5859;American;Apron;

STANDARDS (Cont.)

29 CFR 1910.132[General Requirements] (Cont.)

.132(a)[Application] (Cont.)

Belts	#594;1113;11552;76-3607;
Body protection generally	#77-2876;
Burn protection	#2792;3682;14910(RC);
Compliance req. only if there is hazard	#76-93(RC);
Does not require safety belts	#76-4631;
Economics considered in	United Parcel I;
Electric shield	#1186;
Face mask obscured	#77-3622;
Face protection	#77-2876;77-3402;77-3825;
Falling scale accumulation	#78-1977;
Fire retardent clothing	#78-4879
Glasses	#134;191;266;10661;80-4844;
Gloves	#79;416;450;995;4160;7031; 7111;7850;8100(RC);8220(RC); 9349(RC);11285(RC);11745(RC); 11968;11971(RC);12270;12483; 13101;13256;13266(RC);13642; 76-4990(RC);77-3622;78-729; 78-1834;78-5519;79-53;Smoke craft;
Stoddard sol. doesn't require	#79(RC);
Hard hat	#237;2818;3821;15037(RC); 13591(RC);16200(RC);78-190; 79-6049;

29 CFR 1910.132(a) (Cont.)

Hazard defined	#995(RC);
Hazard of environment defined	#391(RC);
Hazard of process defined	#391(RC);594(RC);
Metatarsal protection	#78-190;
Molten steel protection	#78-3992;
Not applicable to agric.	#13535(RC);
Not applicable to safety belts	#76-4636;
Not vague	#1541(RC);3664P(RC);Ryder Truck; McLean Truck;Arkansas; United Parcel II;
Protective clothing	#77-2876;77-3825;79-1580;79-2258;
Protective creams	#78-729;
Protective eye shield	#77-3622;
Provide & require use test	General Electric;
Reasonable man test applies to need for	#77-2778(RC);77-3432;
Required in foundry	#15507;
Respirator	#161;1657;
Safety belt not included	#1113;76-2784;76-4631;76-4636; 78-1834;

STANDARDS (Cont.)

29 CFR 1910.132(a) (Cont.)

Shoes	#199;215;391(RC);1085;1541;1932;2375;2487;2658;2847;3374;3664(RC);6344(RC);6483(RC);6706(RC);7674(RC);8330;12831(RC);13222(RC);14039;76-2639;76-2760(RC);76-36[illegible];76-4146(RC);76-4636;77-3432;77-3595;77-3622;78-3266;78-3627;78-4850(RC);78-5161;78-5170;79-407;79-1585;79-4150;80-7351S;Budd;Cotter;
Tire Cage	#2423;
Valid	#78-1443(RC);78-5557(RC);79-4478(RC);United Parcel I;
Violation of determined by ascertaining the understanding and experience of industry or by "reasonable man" test	#14122;76-2383(RC);77-508;77-220[illegible];77-4068;Cape & Vineyard;Gen. Dynamics;
"Wherever it is necessary"	Gen. Dynamics;
.132(c)[Design]	#76-3607;77-1380;
1910.133(a)(1) [Protective eye and face]	#161;191;258;266;299;302(RC);392;603;608;700;741;1012;1603;1623;1694;2311;2446;2571(RC);2739;2887;3113;3601;4237(RC);5056(RC);5599;5857;6316;6731;8274(RC);8862(RC);10228;11116;11167(RC);13222(RC);76-4636;77-2788;77-2876;78-2525;78-5519;78-6102;79-898;79-4887;79-40[illegible]5;80-4157;81-239; 81-694;
Failure to provide does not include failure to use	#3443(RC);
More than purchase required	#513(RC);

STANDARDS (Cont.)
29 CFR 1910.133(a)(1)(Cont.)

SOL must spec. steps to comply	General Elec.;
.133(a)(2)(iv)	#5056(RC);
.133(a)(i)	#187;302;414;1228;
.133(a)(6)	#80-7140S;
1910.134(a)(1) [Respiratory prot.]	#187;414;961;1603;2651;3162; 3336(RC);5056(RC);7368;12597(RC); 77-3041(RC);78-1269;78-5471; 80-2297;80-4844;
.134(a)(2)	#191;1225;1919;2276;2692;3336(RC); 4144;4415(RC);4678(RC);5594;10228; 13102(RC);76-134;77-3014;77-4343; 78-501;78-1770;78-4392;78-4580; 78-4674;79-769;79-1358;79-2205; 79-6604;79-6636;80-927; 80-2767; 80-3589;Rockwell;
Includes items in (b)(1) thru 11	#78-5459;
Properly promulgated	#4678(RC);
.134(a)(3)[Use protector as designed]	#594;2771;
.134(b)(1)[SOP re use of respirators]	#594;9506;76-4636;77-787;77-3014; 79-3009;79-4549;79-6366;80-927; 80-4398;
.134(b)(2)	#80-927;
.134(b)(3)[Train users]	#76-4636;77-787;78-5471;79-6366; 80-927;

STANDARDS (Cont.)

29 CFR 1910.134(b)(5)[Respirator cleaned etc.]	#9506;13591(RC);79-3009;
.134(b)(6)[Respirator stored]	#13591(RC);79-3009;79-6366; 80-4398;
.134(b)(7)[Inspected]	#9506;
.134(b)(8)[Area surveillance]	#1255;9506;79-6366;
.134(b)(9)[Program evaluation]	#79-6366;
.134(b)(10)[Physically fit to use] Invalid	#15949;76-2982(RC);76-4636; 79-4005;80-927;
.134(b)(11)[Approved respirator used]	#191;343;1285;4415(RC); 9552;15411(RC);79-3009; 81-407;
.134(c)	#80-927;
.134(d)(1)	#80-927;
.134(d)(2)(ii)[Equipping of air comp.]	#76-190(RC);76-4636;76-6635; 77-4343;78-4751;78-5459; 78-6102;80-927;
.134(d)(9)(v)	#79-2220;
.134(e)(1)[Procedure for use of]	#594;76-3961;
.134(e)(2)[Correct respirator]	#77-2545(RC);80-927;
.134(e)(3)(i)[Procedure in toxic air]	#1255;12306;14541;76-3961;78-501; 79-2205;79-2220;80-927;

STANDARDS (Cont.)

29 CFR 1910.134(e)(3)(iii)[Safety harness]	#76-134;80-927;
.134(e)(5)[Train user]	#594;76-3961;76-4636;77-2235; 78-5471;78-6102;
.134(e)(5)(i)	#77-2235(RC);79-4005
.134(f)(2)(iv)[Inspection records]	#76-2721;
1910.135[Head protection]	#1516;1716;
1910.136[Foot protection]	#1716;
Does not modify 1910.132	Am. Airlines;

Subpart J[General Environmental Controls]

1910.141(a)(1)[Sanitation, scope]	#61;476;594;935;1039;4543;
.141(a)(3)(i)[Kept clean]	#3119;3624(RC);76-2721;79-5420;
.141(a)(3)(ii)[Floor dry]	#3624(RC);78-1562;
.141(a)(3)(iii)[Floor free of nails, etc.]	#10228;78-1562;79-2209;
.141(a)(4)(i)[Receptacles]	#79-6732;
.141(b)(1)(i)[Potable water]	#3230;
.141(b)(1)(ii)[Spec. for fountains]	#752;
.141(b)(1)(iii)[Sanitary cond.]	#250;
.141(c)(1)[Toilet facilities]	#485;511;539;583;689; 1907;5566;7208;78-2421;

STANDARDS (Cont.)

29 CFR 1910.141(c)(1)(ii)[Mobile site]	#639;857;
.141(c)(1)(iii) [Separate]	#250;473;485;1907;79-6223;
.141(c)(1)(v)[Toilet paper]	#250;
.141(e)(1)(i)	#80-882;
.141(c)(1)(vii)[Number of lavatories]	#5566;15198;15851;
.141(c)(2)(i)[Separate comp] De Minimis	#250;988;4734;4827; #123(RC);15198;
.141(c)(2)(iii)[Finish of room]	#250;
.141(c)(3)[Const. of facility]	#2505;
.141(d)(1)[Washing facilities, generally]	#392;485;594;890;78-1562;79-5420;
.141(d)(2)[Lavoratories]	#199;298;473;485;509;539;689;5566; 15086(RC);77-3917;78-2421;79-5420;
Invalid [See Assoc. Ind. of NY State v. USDL, 73-1978]	
Means wash basin	#392(RC);
.141(d)(3)[Showers]	#890;
.141(e)[Change rooms]	#594;
.141(f)[Retiring room for women] Revoked April 10, 1973	#250;988;
.141(g)(1) [Lunchroom]	#123;250;594;857;3359;

STANDARDS (Cont.)

29 CFR 1910.141(g)(2)[Eating & drinking area]	#1039;1767;3777;14910(RC);76-4636; 78-2635;79-261;79-2225;79-5269;
.141(g)(3)	#79-6223;
.141(g)(4)[Sanitary storage]	#14910(RC);
1910.142[Temporary labor camps]	#14502;80-917;
Adopting ANSI 2-44-1968 Valid	#15904;
.142(a)(2)[Adequate size]	#14303;
.142(a)(3)[Site kept clean]	#14303;78-1103(RC);
.142(a)(4)[Sanitation after closing]	#15904;
.142(b)(1)[Shelter construction]	#15904;78-1103(RC);
.142(b)(2)[Size of sleeping room]	#14303(RC);
.142(b)(4)[Floor const.]	#14096;
.142(b)(7)[Windows in quarters]	#14303(RC);
.142(b)(8)[Screening]	#14096;79-5715;79-5904;
.142(b)(10)[No. of stoves provided]	#14096;
.142(b)(11)	#78-1103(RC);
.142(c)(1)[Adequate approved water]	#14303(RC);

STANDARDS (Cont.)

29 CFR 1910.142(d)(3)[Toilet room]	#14303(RC);
.142(f)(1)[Laundry facilities]	#14303(RC);
.142(f)(3)[Hot & Cold water]	#14303(RC);
.142(g)[Lighting]	#14096;78-1103(RC);79-4005;
.142(h)(1)[Fly-tight refuse disposal]	#14303(RC);
.142(h)(3)[Freq. of garbage disposal]	#14303(RC);
.142(k)(2)[First-aider on duty]	#15904;
1910.143(a)(7)[Seepage pit]	#5222;
1910.144(a)(1)(i)(e)[Color of fire ext.]	#801;1078;
.144(a)(3)[Color yellow is caution]	#76-5242;
Not enforceable standard	#5056(RC);
1910.145(a)[Except railroads]	#78-4833;
.145(c)(2)[Caution signs]	#1951;14657(RC);78-4833;
.145(c)(3)[Safety inst. signs] Vague	#5241;80-4711;
.145(d)(10)[Slo-moving veh. emblem]	#15094(RC);
.145(f)(1)(i)[Accident prevent. tags]	#155;1318;3162;3682;

STANDARDS (Cont.)

29 CFR 1910.145(f)(3)(ii)[Color of tag letters]	#5426;
.145(f)(3)(iii)[Location of "Do not start"]	#5815(RC);11739(RC);

Subpart K[Medical & First Aid]

1910.151(a)[Medical personnel avail.]	#76-5197;
.151(b) [Employee trained in first aid & physician approval of kit]	#62;123;191;498;627;1085;1364;1423;1686;1716;2218;2696;2568;2840;3133;6286(RC);8907;12298(RC);76-1435; 77-1334(RC);79-6736B;80-1636;
Vague	#1541(RC);
Reversed	Santa Fe Trail;
10 blocks as	#1263;
5 1/2 miles as	#1541(RC);
.151(c)[Quick drench facility]	#130;187;414;510;594;741;1012;1105;1516;1874;1875;2311;4785;7850;14657(RC); 76-2400(RC);76-4636;76-5197;77-734;76-3961;77-4324;78-2423;78-3019;78-4510;78-5519;79-6223;
Performance standard	#78-3532;80-3320;
Suitable facility	#2231;

Subpart L[Fire Protection]

1910.157(a)(1) [Portable ext. - operable]	#250;299;302;608;665;731;793;1278;1694;2185;2437(RC); 77-1334(RC);
Maintained defined	#15548(RC);
.157(a)(2) [Location]	#60;130;299;434;450;510;714;961;988;1039;2571(RC);2706;2739;3329;4785;5873(RC);6316;6901;10978;

STANDARDS (Cont.)

29 CFR 1910.157(a)(3) [Marking location]	#61;434;1060;1872;2004(RC);6088;
Obstructed or obscured defined	#12298(RC);
.157(a)(5) [Mounting]	#158;250;299;442;583;731;752;805;1872;1951;2332;3004;6316;11048;12496;
.157(a)(6) [Mounting height]	#61;961;1183;1830;5873(RC);7674(RC);
.157(b)(1)	#700;
.157(b)(2) [Ext. selection by hazard]	#61;79-2285;
.157(c) [Dist. of port. ext.]	#531;689;741;
.157(c)(1)(ii)[Fire protection]	#4306;10440;80-1636;
.157(c)(2)[Class A extinguisher]	#2041;
.157(c)(3)[Class B extinguisher]	#77-2876;
.157(c)(5)(i)[Class C extinguisher]	#2004(RC);4322;
.157(d)(1) [Inspection, generally]	#123;180;299;434;583;689;1278;5487;6316;
.157(d)(2)(i)[Inspection period]	#331;434;961;2358;3624(RC);3638;9404;
.157(d)(3)(i) [Maint.]	#180;299;398;442;479;665;1625;3186;3777;9404;10104;11048;78-2421;

STANDARDS (Cont.)

29 CFR 1910.157(d)(3)(ii)[Removed ext. replaced]	#2571(RC);
.157(d)(3)(iv) [Main. tag attch]	#68;299;434;665;805;961;3638;12496;
.157(d)(4)(iii) [Testing]	#199;961;1506;
.157(d)(4)(iv)[Testing nitrogen cylinder]	#961;
.157(d)(4)(viii)[Record test data]	#961;988;7491;
1910.158(b)(1)(i)[Selection of ext., general]	#1012;
.158(b)(5)[Hose valves]	#3288;
.158(b)(5)(i)[Valve at each outlet]	#1012;
1910.159(e)[Sprinkler head clearance]	#5873(RC);78-2236;
1910.163(a)[Local fire alarm system]	#76-261;
1910.165(b)(3)[Dist. of boxes]	#76-261;

Subpart M[Compressed gas & air Equipment]

1910.169(b)[Air receiver inst.]	#68;
.169(b)(2)[Drains & traps]	#76-1107;79-6611;
.169(b)(3)(i)[Gauges & valves]	#1694;77-4409;79-569;79-4734;

STANDARDS (Cont.)

29 CFR 1910.169(b)(3)(iv)[Safe valves tested]	
Not vague	#1134;

Subpart N[Materials Handling & Storage]

1910.176(a) [Mech. mat. handling equip.] (See 1910.22(b))	#299;389;988;1895;2739;2987;4237(RC);4904;5058;15086(RC);77-4267;78-1877;78-4177;78-5623;80-2843;
"Safe clearance" key words	#78-1368;
.176(b) [Storage of materials]	#61;130;187;299;402;414;510;752;1183;2096;2116;2358;3777;3975;5873(RC);6731;12272;13401(RC);76-3028;77-1895(RC);78-992;78-1780;79-2633;79-4194;79-4264;79-4709;79-6223;80-911;80-4711;
"Interlocked" discussed	#78-2225;
Not limited to permanent storage	Noranda;
.176(c) [Housekeeping]	#68;176;683;890;935;1895;78-1877;
.176(f)[Derail block]	#9438(RC);78-2662;78-3110;
.176(g) [Guarding]	#988;
1910.177 [Revoked - 38 F.R. 14371, 6-1-73]	
1910.178[Powered industrial trucks]	#77-3285(RC);79-1339;
.178(a)(1)[Safety requirements for]	#9178;
.178(a)(4)[Mod. affecting operations]	#2102;78-3161;

STANDARDS (Cont.)

29 CFR 1910.178(a)(6)[Name plates]	#1830;78-1595;
.178(c)(2)(vii)[Trucks in comb. dust]	#78-2006;79-2288;
.178(e)[Safety guards]	#1751;1951;2983;
.178(e)(1)[High lift rider overhead guard]	#1932;3214;4237(RC);4415(RC); 77-4409
.178(e)(2)[Hazardous load]	#77-4068;
.178(f)(1)[Storage & handling of liquid fuels]	#3769(RC);
.178(g) [Storage batteries]	#38;
.178(g)(2)[Spilled electrolyte]	#1285;78-2421;79-6223;
.178(k) [Chocking truck wheels]	#392;454;723(RC);1070(RC);1588; 2546;3038;7850;
.178(k)(2)[RR car wheel stops]	#12272;
.178(l)[Operator training]	#2096;4237;6019;76-3569;77-1371; 78-257;78-2818;79-3394;79-6223; 79-6611;80-7140S;
.178(m)(1)[Truck not driven against person]	#130;258;510;683;849;850;851;1913;
.178(m)(2)[No one under elev. port.]	#299;1296;76-568;
Definition of "allowed" as used in	#419;
.178(m)(3)[Unauth. person on ind. truck]	#3418;8221(RC);12287;

STANDARDS (Cont.)

29 CFR 1910.178(m)(5) [Unattended vehicle (25')]	#392;569;829(RC);1009;1039;1318; 2407;76-568;
.178(m)(5)(i)[Wheels blocked]	#79-6223;
.178(m)(6)[Safe distance edge of plat.]	#2938;79-636;
.178(m)(7)[Brakes set & blocked]	#454;723(RC);1070(RC);6018;12272;
.178(m)(9) [Overhead guard]	#498;668(RC);752;791;981;1593; 1913;2430;2441;2619;2686; 2913(RC);3170;3313;6018;6484;
.178(m)(12)	#79-4712;
.178(m)(12)(i) [Safety carriage on lifting dev.]	#367;849;10440;13401(RC);79-6649;
.178(m)(12)(ii)[Power shut-off]	#10440;
.178(n)(1)[Tfaffic req. observed]	#9178;
.178(n)(4)[Crossing aisles]	#1285;12534;76-1420;79-6223;
.178(n)(7)[Grades ascended slowly]	#78-2818;
.178(n)(8)[Safe speed]	#77-3622;
.178(n)(10)[Slow down for wet or slippery surface]	#78-2818;
.178(n)(11)[Securing dockboards]	#1886;12356;78-2818;
.178(o)(1)[Handling loads]	#12272;12356;77-3622;

STANDARDS (Cont.)

29 CFR 1910.178(o)(2)[Only loads w/i rating]	#419;3374(RC);
.178(p)(1) [Out of service for repair]	#392;498;779;1593;4237;10440; 76-2643(RC);76-5039(RC);77-3133; 77-4267;78-1595;78-3163;79-1431; 79-4850;79-6223;79-6367;79-6739; 79-7185;
Hazardous when loaded	#76-3877(RC);
.178(q)(1)[Remove unsafe truck]	#752;
.178(q)(6)[Alteration policy]	#2102;76-2643(RC);
.178(q)(7)[Exam. before using]	#78-1595;79-6611;79-6649;
.178(q)(10)[Clean trucks]	#1078;1547;
1910.179[Cranes generally]	#78-1907;78-2462(RC);
Design spec. not applicable to cranes built prior to 8-31-71	#78-3290(RC);78-4277;78-5998(RC);
.179(b)(2)[New & existing equip]	#13320(RC);
.179(b)(4)[Design Spec.]	#79-162;
.179(b)(5) [Rated load crane]	#299;302;479;961;1060;1348;2597; 3638;6316;13477(RC);77-1682; Pittsburgh;Anaconda;
.179(b)(6)[Clearance from obs.]	#299;
.179(b)(7)[Clearance between parallel cranes]	#2913;
.179(c)(2)[Access to crane]	#1039;3638;76-4636;78-4277;
.179(c)(3)[Fire extinguisher]	#299;

STANDARDS (Cont.)

29 CFR 1910.179(d)(1)(ii)[Foot walk headroom]	#13141;
.179(d)(3)[Footwalk toeboard & handrail]	#76-4636;
.179(d)(4)(iii)[Ladders permanent]	#11104;
.179(e)(2)[Bridge bumpers]	#1883;
.179(e)(2)(i)[Need for bumper]	#1572;78-2462(RC);
.179(e)(3)(i)[Trolley bumper]	#1572;78-2462(RC);
.179(e)(4)[Rail sweeps]	
Design specification advisory	Anaconda;
.179(e)(6)(i)[Exposed parts guarded]	#13477(RC);78-2462(RC); 78-5940(RC);
Advisory as to cranes built before 8-31-71	#13320(RC); Pittsburgh;Anaconda;
.179(f)(2)(vi)[Holding brakes]	
Hazard does not have to be proved	#76-2293;
.179(f)(6)(i)[Bridge brake]	#15740;
Normal operating conds. defined	#13708(RC);
Maintenance not included	#13477(RC);
.179(g)(1)(v)	#79-162;79-3817;
.179(g)(2)(i)[Live parts not exposed]	#10825;13320(RC);14819(RC); 78-1568;Bethlehem #2;
Advisory re cranes before 8-31-71	#13320(RC);14948(RC);78-2467(RC);

STANDARDS (Cont.)
29 CFR 1910.179(g)(2)(i) (Cont.)

Maintenance not included	#13320(RC);
Qualified by .179(b)(2)	#10825(RC);Pittsburgh
.179(g)(2)(ii)[Elec. equip. protected]	#13477;
.179(g)(3) Design specification, advisory	Anaconda;
.179(h)(2)(v)[U-Bolts on short ends]	#78-1799;
.179(i)[Warning device]	#76-1627;
.179(1)(3)(ii)[Adjustments]	#80-6960;
.179(j)(1)(ii)[Inspection procedure]	#3638;
.179(j)(2)[Frequent inspections]	#1128;1348;2096; 76-5344(RC); 80-151;
.179(j)(2)(iii)[Insp. hooks]	#79-3817;
.179(j)(2)(iv) [Insp. of load attachs.]	#299;1039;79-3817;80-7140S;
.179(j)(2)(v)[Revoked 40 F.R. 27400]	#130;302;510;8330;12982(RC);
.179(j)(3)[Periodic inspection]	#2096;
.179(k)(1)(ii)[Determine trip setting of switch]	#78-1567;

STANDARDS (Cont.)

1910.179(k)(2)[Rated load test] Vague as to recordkeeping	#594;
.179(1)(1)[Preventive maintenance]	#7626(RC);
.179(1)(2)(i)(e)[2 cranes on same runway]	#5771;
.179(1)(3)[Adjustment & repair]	#594;12982(RC);78-5558;80-151;
.179(1)(3)(ii)[Examples of adj.]	#12982(RC);
.179(1)(3)(ii)(b) Limit switch need not be tested at full speed	#7626(RC);79-465;
.179(1)(3)(ii)(c)[Control System]	#78-1351(RC);78-1434;
.179(1)(3)(ii)(d)[Brakes]	#78-2474;
.179(1)(3)(iii)(a) Discard crane hooks	#241;
.179(1)(3)(iii)(c)[Defective parts]	#7626(RC);78-1351;78-1456;78-2474;
.179(m)[Rope inspection]	#227;
.179(m)(1)[Running ropes]	#299;594;1060;79-3817;80-7140S;
.179(m)(1)(ii)[Hazard of broken wires]	#241;714;
.179(n)(1)[Handling the load]	#77-2876;
.179(n)(3)(i) [Securing load]	#161;299;77-4458;80-3798;

STANDARDS (Cont.)

29 CFR 1910.179(n)(3)(vi)[No load over head]	#76-288;77-4458;79-1615;79-5581;
.179(n)(3)(vii)[Test brakes]	#299;
.179(n)(3)(x)[Person in charge]	#79-4603;
.179(n)(3)(x)[Op. at controls w/load suspended]	#78-1780;
.179(n)(3)(xi)[Use of warning] Construction of "and"	#77-2202;
.179(n)(4)(i)	#80-6712;
.179(n)(4)(ii)	#80-6712;
.179(o)(2)(ii)[Nothing loose]	#12982(RC);
.179(p)[Forklift horn]	#79-3817;
1910.180(b)(2)[New & existing equip.]	#12812(RC);78-3290(RC);
.180(c)(2)[Load rating chart]	#2391;2568;10331;12812(RC);
.180(d)(3)(ii)[Insp. of control mech.]	#12812(RC);
.180(d)(3)(vii)[Insp. for elec. malfunction]	#10331;
.180(d)(5)(i)[Insp;idle crane]	#79-5073;
.180(d)(6)[Inspection records]	#2391;2568;2647;10331;12812; 13141;79-5073;
.180(e)(2)(i)[Records available]	#78-1799;

STANDARDS (Cont.)

29 CFR 1910.180(g)(1)[Insp. of running ropes]	#522;10331;12812;
.180(g)(1)(vi)[Severe kinking etc.]	#5008;
.180(g)(2)(iii)[Insp. of non-rotating ropes]	#10331;
.180(h)(2)(i)[Hoist rope not wrapped around load] Telecomm. truck not covered by	#14588;
.180(h)(3)(ii)(b)[Handling the load]	#79-3431;
.180(h)(3)(iii)(b)	#80-6000;
.180(h)(3)(iv)[No dragging load]	#12633;
.180(h)(3)(v)[No moving w/anyone on hook]	#916;
.180(h)(3)(ix)[When outriggers used]	#2363;79-2209;79-5073;
.180(h)(4)(ii)[No one under load] Advisory only	#13010(RC);
.180(i)(5)(i)[Fire ext. in cab]	#890;10331;
.180(j)(1)(i) [Power line clearance (See 1926.550(a)(15)(i))]	#184;855;1481;1799;4307; 9118(RC);13946;76-3010; 77-2117(RC);79-3515;80-5810;
1910.181(g)(1)(i)[Running rope insp.]	#6971;
.181(i)(3)(iii)(a)	#80-6166;

STANDARD (Cont.)

29 CFR 1910.184(c)(4)[Loading slings]	#76-4063;
.184(c)(6)[Sling attached to load]	#77-3622;
.184(c)(7)[Slings padded]	#78-2365;78-5571;
.184(d)[Inspections]	#77-3622;
.184(e)(1)[Sling identification]	#77-3622;78-216;
.184(e)(3)[Inspections]	#77-3622;
.184(f)(5)(i)[Broken wires in sling]	#78-1977
.184(h)(5)(i)[Remove from Ser.-ab. wear]	#77-3622;

Subpart O[Machinery & Machine Guarding]

1910.212(a)[Machine guarding](See Machine Guarding)	#1302;1623;2453;
.212(a)(1) [Types]	#389;627;700;752;857;995;1039; 1105;1119;1183;1234;1313;1315; 1344;1575;1623;1716;1811(RC); 1874;1885(RC)[Overruled by 12523(RC)];1951;2004(RC); 2048(RC);2049(RC);2116;2117; 2358;2542;2577;2887;3113;3116; 3288;3300;3360;3527;3535; 3624(RC);3641;3682;3982;4237; 4387(RC);4859(RC);4979(RC); 5375;6484;6628;6976;7408;7711; 8274(RC);8692;8803;9311;9603; 9758;9996;10096(RC);10347;11021; 11228(RC);11344(RC);13401(RC); 13417;13996(RC);14015;14065; 76-647(RC);76-1656(RC);76-2945; 77-1091(RC);77-2788;77-3338; 77-3840(RC);77-3890(RC);77-4324; 78-190;78-332;78-433;

STANDARDS (Cont.)
29 CFR 1910.212(a)(1) (Cont.)

	#78-1384(RC);78-1595;78-1715;78-2345;78-3468;78-4121;78-4510;78-4690;78-5192;78-5311;79-569;79-828;79-898;79-1209;79-2088;79-2586;79-2589;79-3040;79-3167;79-5707;79-7165;80-882;80-1509S;80-1759;80-6344;80-7140S;81-130;
Conveyor belts - Are they covered by?	#1243(RC);15500(RC);76-530(RC);76-2551(RC);
Hazard defined	#3066;
Hazard must be established	#76-484(RC);
Lathe chucks	#76-484(RC);78-414(RC);78-1568;
Not vague	#77-2685;
"Point of operation" Automatic inspection point not	#78-4873;
R doesn't have to try guards of 217(c)(3)	#77-3951;
Sewing machine	#1511;1444;1916(RC);2043;
SOL must prove hazard exists	#76-3517(RC);76-4149;77-226;77-3244;77-3917;Burgess;
.212(a)(2)[Secured elsewhere]	#77-3961(RC);78-1568;79-828;79-2586;79-4588;
.212(a)(3)[Point of oper. guarding]	#11228(RC);

STANDARDS (Cont.)

29 CFR 1910.212(a)(3)(i)[Point of operation defined]	#2523(RC);12523(RC);13692(RC);78-4833;80-2532;80-5901;81-614;
.212(a)(3)(ii)[Type of guard]	#752;1263(RC);1288;1423;1622;1705;1810;1811(RC);1895;1906;2094;2276;2453;2597;2974;3075;3119;3329;3459;3490;3560;3564;4054;4212;4235(RC);4322;4935(RC);5241;5475;6007(RC);6077;6287;6731;6764;7491;7710(RC);7850;8597(RC);9231;9311;9553;9758;9892;9994(RC);9996;11037;11048;11644;11858;12648;12883(RC);13077;16200(RC);16307; 76-647(RC);76-1410;76-1656(RC);76-2120(RC);76-3488(RC);77-672;77-705;77-1116;77-1894(RC);77-2788;77-3790;77-4019;77-4236;78-29(RC);78-1595;78-2894(RC);78-4121;78-4690;78-4921;78-5311;78-5501;78-5818;79-162;79-2531;79-3040;79-3167;79-5413;79-5920(RC);79-6090;79-6223;80-234;80-2615;80-3530;81-614;81-671;81-801S;81-1375;
Ability to "inch" down is a safety device	#76-4636;
Applicability to maintenance personnel	#76-3921;
Applies to press brake	#78-327;78-4398;Diebold;
"Appropriate standard"	#76-3113(RC);
Burden of proof in	#76-4520(RC);
Catch all standard	Diebold;
Compliance required only if there is hazard	#76-93(RC);
Does not apply to conscious reaching in	#77-3880;

STANDARDS (Cont.)
29 CFR 1910.212(a)(3)(ii) (Cont.)

General standard	#7606(RC);
Guarding must be by a device	#12523(RC);
Fails to inform of how to comply	#3282;
Improperly enacted	#9352;
Not vague or ambiguous	#2408;5769(RC);Buckeye;
Only required where means exist	Diebold;
Presents no hazard	#9352;
Press brake covered by	#2004;2346(RC);2795(RC);2885; 3116(RC);4237;5022;6767(RC); 7721(RC);7925(RC);9496(RC); 16188(RC);79-4267;79-6442;Long Mfg. Co.;Irvington Moore;Diebold;
Promulgated properly	#5769(RC);12470(RC);
Punch press not covered by	#6767(RC);9496(RC);
Single end	#78-917;
Shear	#76-2617(RC);
SOL does not have to specify how to guard	#3620;
Source	#2346;3528;
Specific and mandatory	#3620;
Stricter than (a)(1)	#12523(RC);

STANDARDS (Cont.)

29 CFR 1910.212(a)(3)(iii)[Use of handtools]	#2687;6484;
.212(a)(3)(iv)[Machines req. point of operation guard]	#510;6696;79-4921;
.212(a)(3)(iv)(d)[Power presses]	#9994;76-2349(RC);
.212(a)(4)[Revolving drums]	#1516;7491;12496;16340;78-2236;80-385;
Container defined	#76-1435;
.212(a)(5) [Expos. of blades]	#251;741;752;961;1001;1183;1423;1516;1716;1951;2272;3133;3288;3601;3624(RC);4212;4785;6088;8116;9404;11048;12356;12840;13944;14065;76-1733(RC);78-1070;78-1848;78-5192;78-5311;79-3320;79-3817;79-4090;79-4194;79-4754;79-5521;79-7165;Milliken;
Hazard must be established	#76-4378;
.212(b) [Anchoring machinery]	#137;176;510;700;1183;1869;4144;78-5975;
1910.213[Woodworking machinery requirements]	
Invalid	#2920;
Promulgation valid	#3367(RC);5933(RC);7238(RC);7413(RC);7911(RC);10616(RC);
.213(a)(9)[Guarding belts, etc.]	#1045;1125;1191;1305;2218;
.213(a)(11)[Grounding frame]	#1716;2571(RC);
.213(a)(12) [Guarding cir. saw]	#1183;3490;
.213(a)(15)[Combs etc. in lieu of jig]	#15047(RC);15052;77-2588;

STANDARDS (Cont.)

29 CFR 1910.213(b)(3)[Present restart]	#79-1008;79-4194;
.213(b)(4)[Controls in easy reach]	#1830;
Advisory only	#7606(RC);
.213(b)(5)[Positive switch control]	#1318;
.213(b)(6)[Treadle protected]	#4212;
.213(c)[Hand fed ripsaws]	#961;979;1278;1761;1895;2218;2339;3008;3853;4033;5216;5217;
.213(c)(1)[Hood guard]	#2446;5933(RC);7413(RC);8051;9413(RC);14430;78-5284;79-6071;81-2102;
Not vague	#3460(RC);79-6583;
.213(c)(2)[Spreader]	#945;1045;2446;4033;78-5284;79-5546;79-6071;
.213(c)(3)[Nonkickback fingers]	#752;2446;4033;78-5284;
Not applicable to plywood	#9413(RC);79-5546;79-6071;79-6583;
.213(d)(1)[Circular saw guard]	#1045;1126;1191;1263;1305;1423;1811(RC);2222;2271(RC);2568;2920;3075;3418;3459;4212;4387;7292;10657;12495;12840;77-2932;79-3316;80-3645S;80-4487S; 81-2102;
Experience no substitute for guard	#1900;
Not app. to saw in printshop	#1710;
.213(d)(2)[Spreader]	#2568;10657;
.213(g)(1) [Guarding swing cutoff saw]	#689;1191;1593;1728;1761;1883;2004(RC);2437(RC);2482;2795;2887;2920;3041;4734;5414;11167(RC);77-672;79-162;79-6583;80-3102;

STANDARDS (Cont.)

29 CFR 1910.213(g)(3)[Limiting saw run]	#1830;2096;3481;79-6583;
.213(h)(1) [Guarding radial saw]	#683;689;752;979;1039;1126;1423;1593;1698;1716;1728;1761;1832;1833;1874;1875;1895;2004(RC);2043;2264;2265(RC);2270(RC);2339;2437(RC);2446;2482;2571(RC);2714;2795;3008;3041;3116;3167;3290;3459;3814;3853;4017;4076;4212;4407;4444;4825;5216;5217;5298(RC);5412;5933(RC);5998;6007(RC);6605;7292;8221(RC);8377;7911(RC);10616(RC);11630(RC);12495;13077;14046(RC);14240(RC);76-3052;77-2876;78-1420;78-5284;79-1008;79-1619;79-4194;79-4588;79-5546;79-6071; 81-694;Noblecraft;
Guarding defined	#1191;
Not vague	#3460(RC);
Properly promulgated	#2207(RC);3367(RC);6493(RC);
Valid	#1231(RC);1758(RC);2048(RC);2314(RC);2944(RC);3367(RC);
.213(h)(3) [Adjustable stop]	#881;3119;3279;3812;7911(RC);14046(RC);77-2876; 81-694;
.213(h)(4)[Front end raised]	#881;1126;1506;2004(RC);2446;2571(RC);4212;4316;6007(RC);7911(RC);8377;12495;14046(RC);76-484(RC);77-2876;78-1420;78-5284;79-1619;79-4194;79-5546;79-6071; 81-694;
Identical to 1926.304(f)	#6605;
.213(h)(5)	#4968;
.213(i)(1)[Bandsaw guarded]	#793;1183;1263;2004(RC);7606(RC);11167(RC);78-5975;

STANDARDS (Cont.)

29 CFR 1910.213(i)(3)[Feed rolls guarded]	#793;
.213(j)(3)[Guard on horiz. head]	#2218;78-979;
.213(m)(1)[Cage for shaper head]	#1263(RC);1900;1960;2339;
Jig not a guard	#1263(RC);77-3770;
.213(m)(3)[Guarding feed rolls]	#78-1907;
.213(n)(1)[Cutting head guard]	#78-5975;
.213(p)(3)[Disc sander guard]	#2571(RC);77-3920;
.213(p)(4)[Belt sander guard]	#2218;2571(RC);10096(RC);
.213(q)(2)[Auto. feed veneer cutter]	#1009;80-1372;
.213(r)(3)[Guard for universal machine]	#76-2419(RC);
.213(r)(4)[Includes all machines]	#4734;7606(RC);14046(RC);
1910.215(a)(1)[Abrasive wheel guard]	#2597;3059;3375;3777;4212;5217;5222;78-1595;80-2273;
.215(a)(2)[Guard design]	#1183;1305;1318;1694;1716;1916(RC);2113;2446;2571(RC);3418;4316;5747;7473;13077;16003;76-1011;78-5311;79-1630;79-1924;79-2586;80-3545S
Access all that is required	#13507(RC);
.215(a)(3)[Flanges]	#2571(RC);
.215(a)(4)[Work rests]	#700;752;801;961;1318;1575;1694;2339;2446;2571(RC);3116;5217;6796;10095;10228;12272;13141;77-1300;78-1595;78-2525;78-5311;79-1630;79-2586;80-7140S;

STANDARDS (Cont.)

29 CFR 1910.215(b)(2)[Guard exposure angles]	#2887;
.215(b)(3) [Bench & floor stands]	#714;805;2577;76-1101;
.215(b)(4) [Exp. of cyl. grinders]	#1183;
.215(b)(5)[Exp. of surface grinders]	#10095;10096(RC);11344(RC);
.215(b)(9)[Exposure adjustment]	#1916;2571(RC);3075;6316;78-5311; 78-5820;79-2586;80-3545S;80-7140S;
.215(c)(6)(i)[Blotters between flange & wheel]	#8862(RC);
.215(d)(3) [Surface of wheel]	#302;
.215(d)(4)[Bushing spear]	#8862(RC);
1910.216[Mills & calendars]	
.216(a)(3)[Inst. of auxiliary equip.]	#2960;
.216(b)[Mill safety controls]	#2960;
.216(c)[Calendar safety controls]	#2960;
1910.217(a)[Mechanical power press, general]	#1060;3528(RC);11644;76-4636; 79-3320;
History of	#76-896(RC);76-3270(RC);
.217(a)(2)[Old installations]	#1067;

STANDARDS (Cont.)

29 CFR 1910.217(b)(1)[Hazards from broken parts]	#77-1116;
.217(b)(3)[Full revolution clutch]	#1951;78-1595;
.217(b)(3)(i)[Single stroke mechanisim)	#79-6223;
.217(b)(4)(i) [Mech. press pedal]	#752;1039;1895;78-332;78-1595; 78-5311;79-2586;
.217(b)(4)(ii)[Nonslip pad]	#78-1595;78-5311;79-6223;
.217(b)(4)(iii)[Spec. for spring]	#78-1595;
.217(b)(6)(i)[Operator's control prot.]	#752;9553;78-2439;79-2813;
.217(b)(7)(v)(a)[Two hand control]	#78-1595;
.217(b)(7)(viii)[Spec. for clutch control]	#78-1595;
.217(b)(8)(i)[Main power disconnect]	#77-3951;78-235;78-5311;79-3320; 79-6223;80-3235;
.217(c)(1)(i) [Guarding nip point]	#1039;1060;1811(RC);13549(RC); 14315(RC);76-876;77-3543; 77-4009;78-235;78-1595;78-6127; 79-112;79-1008;79-3414;80-3235;
.217(c)(1)(i)[Employer provide point of operation guard]	#12883(RC);77-705;78-4398;78-5311; 79-3414;80-1229;80-2532;

STANDARDS (Cont.)

29 CFR 1910.217(c)(2)(i)(a)[Hand entry]	#1067;16003;77-2616(RC);77-4192;78-583;79-1630;79-6090;79-6223;81-10S;
.217(c)(2)(i)(b)[Permissible opening]	#77-2616(RC);78-1595;
.217(c)(2)(iii)[Fixed barrier]	#77-2616(RC);
.217(c)(3)(i)(e)[2 hand controls]	#76-1816(RC);
.217(c)(3)(iii)(f)[Guards if no sensing device]	#78-1595;
.217(c)(3)(iv)(d)[Inspect pull-back device]	#78-235;
.217(c)(3)(vii)[Safe distance]	#76-3270(RC);
.217(c)(3)(vii)(d)	#78-5270;
.217(c)(3)(viii)(c)[Distance control to work]	#78-2439;
.217(d)(1)(i)[Eliminate hazard in dies]	#76-896(RC);
.217(d)(4)[Guide post hazard]	#78-583;
.217(d)(5)	#79-2531; 81-1375;
.217(d)(6)(i)	#79-6223;
.217(d)(9)(iv)	#80-2378;
.217(e)(1)[Records]	#6484;

STANDARDS (Cont.)

29 CFR 1910.217(e)(1)(i)[Employer maintain]	#77-677;78-2439;78-6127;79-1008; 79-3520;79-6223;
.217(e)(1)(ii)[Weekly inspection]	#77-677;79-6223;
Only applies to machine in use	#77-4009;
.217(f)(2)	#77-705;
.217(f)(3) [Work area]	#389;
.217(g)[Report of injury]	#78-6127;80-3235;
1910.218(a)(3)(iii)[Lockout]	#79-6331;
.218(b)(2)[Foot operated]	#79-6331;
.218(c)(1)(ii)	#79-6331;
.218(j)(3)[Conveyor equipment]	#79-557;
1910.219[Mechanical power transmission apparatus]	
Maintenance men exempt	#15548(RC);
.219(a)(1) [Power trans. belts]	#389;793;11109;76-1308;
.219(b)(1)[Flywheels]	#1875;3535;4144;5217;5694; 11167(RC);76-1308;78-4121; 79-4887;79-6223;
.219(c)	#76-1308;
.219(c)(2) [Guarding horz. shaft]	#988;1001;3375;4800;9808;12526;
Hazard must established	#76-4378;
.219(c)(3) [Guarding vert. shaft]	#1039;79-4754;

STANDARDS (Cont.)

29 CFR 1910.219(c)(4)[Projecting shaft ends]	#2047(RC);
.219(c)(4)(i)[Smooth edge]	#77-672;78-1070;78-1977;
.219(c)(4)(ii)[Unused keyways]	#78-1977;
.219(c)(5) [Guarding trans. dr.]	#991;2437(RC);
.219(d)[Pulleys]	#60;683;857;1183;1516;13077;
.219(d)(1)[Guarding]	#714;1001;1012;1336;1716;1830; 2004(RC);2047(RC);2231;2446; 3418;4237;4350;4415(RC);5008; 5747;7473;7848;9895;10104;14065; 16003;76-1308;77-1713;77-1967; 77-3344;78-672;78-1595;78-5311; 78-6085;79-2586;79-4754;79-5324; 79-5413;79-5521;79-5573;80-1552; 80-1609;80-2974;80-3545S; 80-6490;80-6601;80-7140S;81-614;
.219(e)(1)[Horizontal belts & ropes]	#60;689;857;881;995;1001;2047(RC); 2577;2706;3075;3375;4212;5998; 7606(RC);
.219(e)(1)(i)[7' or less above floor]	#1039;1313;2272;2887;3777; 4979(RC);11167(RC);12496;13139; 13944;14657(RC);76-1011;78-508; 78-1595;78-5311;79-4194;79-5324; 79-5413;80-3545S;80-6601;80-7140S;
.219(e)(2)(i)[Overhead belts]	#78-5311;
.219(a)(2)(iii)(b)[Platform]	#80-6601;
.219(e)(2)(iv)[Overhead drive guards]	#1423;
.219(e)(3)(i)[Guards for vert. & inclined belts]	#961;1012;1593;1875;2571(RC);2714; 3601;4144;4800;5007(RC);5607(RC); 5656(RC);6316;6365(RC);6765(RC); 7629;7914;11167(RC);76-1011; 76-3015;78-3058;78-5311;79-685; 79-4194;79-5573;80-2974;80-6490;
Hazard must be established	#76-4378

STANDARDS (Cont.)

29 CFR 1910.219(f)(1)[Gears guarded]	#683;961;1183;1423;2004(RC);3839;4237;78-1107;78-6085;
.219(f)(1)(i)[Complete enclosure]	#3601;7711;9996;81-10S;
.219(f)(3)[Sprockets & chains]	#995;1012;1039;1344;1516;1716;2047(RC);2272;2687;2887;3119;3682;3832;3839;3892;4237;4444;4800;5026;7606(RC);7711;7854;9996;10098;76-1011;78-187;78-4177;78-4921;78-6085;79-898;79-4505;79-5413;79-5521;80-882;80-6601;81-614;
.219(g)[Guarding friction drives]	#1039;2332;
.219(h)(1)[Guarding projections]	#10098;
.219(i)(1)[Collar specs]	#7606(RC);
.219(i)(2)[Coupling specs]	#13944;77-1967;78-1568;
.219(k)(1)[Guarding projecting parts]	#78-1977;
.219(m)[Standard guards, general]	#857;

Subpart P[Hand Tools & Equipment]

1910.242(a)[Hand & portable tools-safe condition resp.]	#171(RC);961;1694;2571(RC);12600(RC);
Minor	#78-3389;
Responsible means	#355(RC);
.242(b)[Air hose pressure]	#102;123;155;187;191;227;241;414;456;509;605;608;640;700;731;741;752;791;849;850;851;961;988;1012;1105;1183;1302;1694;1951;2004(RC);2113;

STANDARDS (Cont.)

29 CFR 1910.242(b)	#2571(RC);2983;3375;3601;3990;6018;6316;8280;10095;10096(RC);11116;11167(RC);13077;13141;13944;78-109;78-332;78-2665;78-4510;80-1759;
Improperly promulgated	#12460;
Origin of standard	#77-2588;
Removal or red. nozzle not employee misconduct	#12862(RC);
.242(c) [No such standard]	#227;
.242(d) [No such standard]	#227;
1910.243(a)(1)[Guard port. cir. saw]	#857;10098;11872;
.243(a)(1)(i)[Blade diameter over 2"]	#79-898
.243(a)(1)(ii)[Meat cutters excluded]	#3005;
.243(a)(2)[Switches & controls]	#995;
.243(b)(1)[Tool retainer]	#2739;
.243(c)(1)[Abrasive wheel, general]	#883;2597;2739;3392;79-4194;
.243(c)(1)(ii)(a)[Guard for spindle end]	#2792;
.243(c)(2)[Cup wheels]	#10648;
.243(c)(3)[Vertical port. grinders]	#78-2439;78-5820;79-1921;79-6138;

STANDARDS (Cont.)

29 CFR 1910.243(c)(4)[Other port. grinders]	#3304;
.243(c)(5)(v)[Need for blotters & flanges]	#77-3622;
1910.244(b)[Other port. tools-op. & maint.]	#161;1111;6007(RC);14523(RC); 80-4193S;80-5614;

Subpart Q[Welding, Cutting & Brazing]

1910.252(a) [Protective shield]	#368;1576;
.252(a)(i)(b)[Cylanders marked]	#80-7140S;
.252(a)(2)(ii)(b)[Inside storage]	#392;764;1694;1716;3005;3186;3287; 5126;6316;13077;79-5420;
.252(a)(2)(ii)(d)[Valve protection]	#2568;3005;3186;7473;78-1562; 79-2206;79-2586;79-4435;
.252(a)(2)(iv)(a)[Oxygen storage]	#171(RC);2577;6007(RC);
.252(a)(2)(iv)(b)[Not near generator]	#3186;
Minor	#171(RC);
.252(a)(2)(iv)(c)[Sep. from fuel-gas]	#227;258;299;714;935;[illegible];[illegible]; 1694;2004(RC);4316;4869;565[illegible] 10920;13401(RC);78-1189;78-1562; 78-2666;78-5192;79-3624;79-3817; 79-4038;79-4135;79-5420;79-5493; 80-4711;
.252(a)(2)(iv)(c) "In storage discussed"	#2414

STANDARDS (Cont.)

29 CFR 1910.252(a)(2)(v)(b)(7)[Close valve]	#476;1012;77-2788;
.252(a)(2)(v)(c)(1)[Valve end up]	#199;215;1694;79-2445;
.252(a)(4)(iii)(b)[Location of piping]	#78-510;
.252(a)(4)(iv)(c)[Station outlet marked]	#78-510;
.252(a)(5)[Protective equip.]	#302;594;
.252(a)(5)(iv)(a)[Valve, etc. to prevent overflow]	#77-705;
.252(a)(5)(v)(f)[Hose repair]	#805;
.252(b)[Arc welding equipment]	#683;
.252(b)(2)[Application of arc welding eq.]	#531;
.252(b)(2)(iv)(d)[Welding lead term. prot.]	#7473;80-1759;
.252(b)(3)(i)[Installation of arc welding eq.]	#752;
.252(b)(4)[Op. & maintenance]	#531;1516;9107;
.252(b)(4)(ii)[Machine hook up]	#714;76-3816;
.252(b)(4)(vii)[Electrode holder]	#299;961;7987(RC);
.252(b)(4)(ix)(a)[Report of defects]	#76-1383;

STANDARDS (Cont.)

29 CFR 1910.252(b)(4)(ix)(c)[Cable & lead insp.]	#302;608;714;752;805;1060;1318;1423;2739;76-4636;79-6611;
.252(c)(1)(i)[Inst. & Op. of resist. equip.]	#2703;
.252(c)(2)(iii)[Goggle prot.]	#2739;76-2654;
.252(c)(2)(iv)[Guarding]	#3564;78-1595;
.252(c)(2)(v)[Shields]	#1576;
.252(c)(2)(vi)[Foot switches]	#3564;78-5311;
.252(c)(4)(ii)[Fire curtains]	#442;
.252(c)(6)[Maintenance]	#2703;78-5311;
.252(d)(1)[Basic fire precautions]	#13315(RC);
.252(d)(2)(ii)[Fire extinguishers]	#13315(RC);78-5311;
.252(d)(2)(iv)[Insp. before working]	#7849;
.252(d)(2)(vii)[Relocation of combustibles]	#299;
.252(d)(2)(ix)[Combustible walls]	#13315(RC);
.252(d)(2)(xiii)(c)[Op. trained]	#13315(RC);
.252(d)(3)(i)[Cutting used containers]	#1477;

STANDARDS (Cont.)

29 CFR 1910.252(e)(1)[Personnel protection]	#2739;14249;
Platform defined	#79-2963;
.252(e)(1)(i)[Railing]	#76-4114(RC);79-1615;
.252(e)(2)[Eye protection]	#509;594;
.252(e)(2)(i)(a)	#79-162;
.252(e)(2)(i)(b)	#79-162;79-6223;
.252(e)(2)(iii)[Prot. from rays]	#191;1423;1716;2597;2739;2983; 4910;5566;10920;76-1056;76-2654; 76-4636;77-2691;80-7140S;
.252(e)(3)(i)[Protective clothing]	#1423;
.252(e)(4)(iv)[Lifelines]	
Not vague	#76-2566;79-6614;
.252(f)(1)(ii & iii)[Vent. & screens]	#368;935;
.252(f)(2)[Ventilation, gen. welding]	#258;.594;
Minor	#171(RC);
.252(f)(2)(i)[General]	#262;299;752;
.252(f)(2)(i)(c)[Confined space]	#299;
Curtained welding space	#262;
.252(f)(2)(ii)[Minimum rate]	#262;
.252(f)(3)(i)[Hoods]	#4457;
.252(f)(4)[Venting confined space]	Bethlehem IV

STANDARDS (Cont.)

29 CFR 1910.252(f)(5)[Fluorides]	Bethlehem IV;
.252(f)(9)[Cadmium]	#1951;

Subpart R[Special Industries]

1910.261(b)(2) (See 1910.132(a))[Pulp mills, etc.]	#676;
Not vague where industry knew hazard	#78-139;
.261(b)(4)[Lockouts]	#1815;
.261(h)(2)[Bleach mixing rooms]	#676;
1910.262(c)(3)[Textile machine guarding]	#11109;
.262(d)(4)[Remove foreign iron material]	#2430;
.262(o)[Shearing machines]	#1183;
.262(pp)[First aid]	#2477;
1910.263(a)(2)[Bakery standards inc. by ref.]	#2272;
.263(e)(1)(iii)[Mixer motors]	#2272;
.263(e)(1)(iv)[Location of control]	#2272(RC);
.263(e)(1)(vii)[Mixer spec.]	#2272;
1910.265 [Logger unloading at mill]	#237;1191;

STANDARDS (Cont.)

29 CFR 1910.265(c)(1)[Bldg. safety factors]	#1221;1694;78-4070;
.265(c)(3)(iv)[Nonslip floors]	#2887;
.262(c)(4)(i)	#78-4070;
.265(c)(4)(ii)[Maintenance]	#445;7606(RC);
.265(c)(4)(iv)[Elevated walks]	#1318;7911(RC);16093(RC);
.265(c)(5)(i)[Safety factor in bldgs.]	#4734;
Not vague	#3460(RC);
.265(c)(8)[Vats & tanks guarded]	#1191;
.265(c)(10)[Ladders]	#1318(RC);
.265(c)(12)(i)[Spec. for elec. eq.]	#1318(RC);
.265(c)(12)(iii)[Identify elec. eq.]	#16183(RC);
.265(c)(16)[Flammable liquids]	#1318;
.265(c)(17)(ii)[Prot. equip. handle chem.]	#4734;
.265(c)(18)(i)[Conveyor standards]	#838;1020;1221;1228;2887;5415; 16093(RC);
Advisory only	#5415;7606(RC);10639(RC);
.265(c)(21)(i)[Chipper location]	#4734(RC);7292;10906;
.265(c)(21)(ii)(b)[Hog feed chutes]	#4734(RC);
Vague	#2887;

STANDARDS (Cont.)

29 CFR 1910.265(c)(22)[Mech. power trans. apparatus]	#1191;1231(RC);1318;1694;1728; 1758(RC);1763;1823;1861;1883; 2028;2047(RC);2973;3179;3459;3490; 3892;4734;7854;
Not substantive regulation	#1761;
Not vague	#3460(RC);
.265(c)(24)(ii) [Sawmills only]	#1284;
.265(c)(24)(v)[Ropes or cables]	#1318;
.265(c)(26)(viii)[Cables, socketing etc.]	#838;
.265(c)(27)(i)[Pile foundation]	#1020;1231(RC);1758(RC);
.265(c)(27)(ii)[Stocking dissimilar units]	#473;1020;
.265(c)(27)(iv)[Stickers]	#473;1020;
.265(c)(30)(ii)[Warning signals, etc.]	#509;1318;2887;
.265(c)(30)(ix)[Brakes]	#509;
.265(c)(31)(iii)[Pickup points]	#1191;
.265(d)(1)(i)(a)[Stakes, etc., that trip]	#403;
.265(d)(1)(i)(b)[Release of binders]	#237;1221;1968;3179;4635;
.265(d)(1)(i)(c)[Side to release on]	#1968;

STANDARDS (Cont.)

29 CFR 1910.265(d)(1)(ii)(e)[Ht. of unloading dev.]	#689;
.265(d)(2)(iii)(g)[Prot. working on water]	#624;1228;
.265(d)(2)(v)[Dry deck storage]	#2887;
.265(d)(4)(iii)[Area around mech. barker]	#1221;
.265(d)(4)(iv)[Enclose hyd. barker]	#2028;
.265(e)(v)[Signs]	#1228;2887;4734;
.265(e)(vii)[Sweeping device]	#7606(RC);
.265(e)(2)(ii)(c)[Guard bardsaw]	#838;
.265(e)(2)(iv)[Spec. for twin cir. saw]	#1191;
.265(e)(4)(ii)[Trimmer saw guard]	#689;1228;2048(RC);
.265(e)(4)(ii)(b)[End saw guarded]	
Guarding defined	#1228;
Not vague	#2049(RC);
.265(e)(5)(ii)[Guard edger]	#1694;
.265(e)(5)(iii)[Antikickback dev.]	#509;1694;10906;
.265(e)(6)(i)(c)[Guard pressure feed roll]	#1694;1883;2887;3179;7606(RC);

STANDARDS (Cont.)

29 CFR 1910.265(g)[Personal prot. equip.]	#1318;
.265(h)[Sanitation]	#1369;
.265(i)[Fire prot.]	#1318;2437(RC);
1910.266(e)(1)(i)[Work areas]	#7092;
.266(e)(1)(iv)[Lodged trees]	#7092;
.266(e)(2)(ii)[Manual felling, study site]	#7092;
1910.267(a)[See 1928.21]	#1671;
.267(b)[Exemptions]	#1671;
1910.268[Telecommunications]	#76-3010(RC);
.268(d)(1)[Traffic Control Devices]	#80-3866;
.268(h)(8)(i & iii)[Metal manhole ladder]	#14761(RC);Southwestern;Bell;

Subpart S[Electrical]

1910.304(f)(4)	#81-1530
1910.308[Electrical]	#1183;1716;2218;2332;5225(RC); 5487;10483;13591(RC); 76-5344(RC);
.308(b)[Purpose of NEC]	#207;
.308(c)(2)(v)[Insts. not covered] Exemption Burden of proof on R	#12774;
1910.309[NEC]	#1183;2113;3392; 76-5344(RC); 78-3110;79-1552;(RC);

STANDARDS (Cont.)

29 CFR 1910.309(a)	#991;995;1060;1078;1305;1516;1575;1593;1716;1868;2113;2218;2339;2535;2577;2731;2840;2983;5249;5560;11048;13401(RC);76-1101;77-2014;79-199;79-4135;79-6494;80-385;80-573;81-239;
Class II Div. 2	#78-3110;
Section 70	#1971;3393;4115;79-2288;
110.11	#78-672;
110.12	#77-2526;
110.14(a)	#78-3684;
110.14(b)	#3638;76-415;77-2876;
110.17	#1951;3393;3641;4237;4419(RC);11523;12496;13591(RC);
110.17(a)	#1313;1694;2095;2272(RC);2601;3133;3287;3288;3329;3773;4237(RC);5216;6566;10648;12459;13077;14687;76-415;76-4636;77-705;78-1490;78-5192;78-5743;79-2249;79-3040;79-6331;79-6635;
"Live parts" not defined	#77-2876;
110.17(b)	#76-4398(RC);78-1595;
110.21	#10705;11167(RC);
110.22	#1012;1830;2004(RC);4237(RC);5873(RC);10705;11167(RC);14617;79-4194;
210-7	#78-6177;

STANDARDS (Cont.)
29 CFR 1910.309(a) (Cont.)
Section 70 (Cont.)

230-102	#1951;
250-5	#1313;1951;
250-5(b)(1)	#3288;3564;4237(RC);5225(RC);
250-42(a)	#3288;10096(RC);11167(RC);78-1595; 81-7140S;
250-43(a)	#1694;
250-45(a)	#1313;3601;9404;10228;10705; 77-1158;78-5845;
250-45(d)	#1012;1694;1830;1951;2272;3005; 3641;4017;4144;4212;6088;10095; 13077;13944;76-787(RC);76-4636; 78-1848;78-1907;78-5192;78-5845; 78-5975;79-5420;79-6635;
250-51	#3601;14430;78-1907;78-5311; 79-1505;79-6223;
259-59	#2446;
300-15(b)	#78-4921;
310-2(b)	#77-705;
370-18(c)	#78-3019;
380-4	#14173(RC);
400-3(a)(6)	#4415(RC);

STANDARDS (Cont.)
29 CFR 1910.309(a) (Cont.)
Section 70 (Cont.)

400-3(b)	#1313;
400-4	#1694;3119;3638;4237(RC);4415(RC); 5426;11523;12496;14430;77-1158; 78-5311;80-1759;
Machine tool not a structure	#76-940;
400-5	#1694;2272;4979(RC);77-2876;
400-10	#77-2762;
410-52(d)	
Amperage not established	#78-5249;
410-55	#78-5311;
422-8(b)	#3601;
430-86	#80-1526;
430-107	#78-1907;
430-132(a)	#80-1526;
500-5(a)	
Class II, Div. 1, Grain elev. as	#78-6177;
500-5(b) Div. II	#80-5309;
501-4(a)	#78-454;78-1595;
501-6(a)	#78-454;78-1595;
501-8(a)	#79-5496;

STANDARDS (Cont.)
29 CFR 1910.309(a) (Cont.)
Section 70 (Cont.)

501-9(a)(1)	#10483;78-454;78-1595;
501-10(a)	#78-454;
501-12	#78-454;78-1595;
502-1(b)(1)	#80-5309;
502-4(a)(1)	#78-4065;78-4066;
502-4(b)(1)	#78-987;
502-6(a)(1)	#78-4066;
502-6(b)	#78-987;
502-8	#78-3133;
502-8(b)	80-5309;
502-11(a)(1)	#12306;
502-11(b)(2)	#80-5309;
502-13(a)	#78-4066;
502-13(b)	#12600(RC);80-5309;
503-3(b)	#80-5309;
503-4	#11167(RC);
503(9)(a)	#80-5309;

STANDARDS (Cont.)
29 CFR 1910.309(a) (Cont.)
Section 70 (Cont.)

503-11	#80-5309;
516-3(c)	#78-1595;
.309(b)	#5222;78-1107;78-2499(RC); 79-2249;79-6083;79-6736B; 81-239;
1910.310(d)	#137;683;
Minor	#171(RC);
.310(e)	#258;
.310(f)	#683;
.310(h)	#683;
.310(i)	#605;700;
.310(i)(2)	#134;779;
Minor	#171(RC);
.310(i)(5)	#594;
.310(j)(1)	#60;61;258;476;583;594;793;
Minor	#171(RC);
.310(j)(2)	#594;
.310(m)	#302(RC);594;
Only applies to const. of elec. installations	#302(RC);
.310(o)	#476;
Minor	#171(RC);

STANDARDS (Cont.)

29 CFR 1910.314(a)(3)	#91;346;
.314(d)	#60;102;398;683;
.314(d)(1)	#439;594;
.314(d)(1)(iii)	#176;187;392;414;439;605;
.314(d)(1)(iv)	#640;752;
.314(d)(2)	#251;476;
.314(d)(4)	#48;123;155;251;258;434;459;509; 829(RC);
.314(d)(4)(iii)	#61;91;187;250;414;479;665;
.314(d)(iii)(c) [Ungrounded cord]	#52;237;250;434;439;442;605;640; 779;801;
Adapter furnished	#298(RC);
.314(d)(4)(iii)(d)	#48;61;298;392;398;434;
.314(e)(1)	#752;
1910.315(d)	#134;
Minor	#171(RC);
.315(f)	#60;
.315(n)	#60;346;700;752;
.315(n)(4)	#91;155;191;250;258;392;988;
Minor	#181(RC);

STANDARDS (Cont.)

29 CFR 1910.316(a)	#187;414;442;499;583;805;
.316(c) Minor	#68;250;583;605;683;700;1302; #171(RC);
.316(d) [Splicing cord]	#60;102;250;398;760;
1910.324(e)(2)(ii)	#241;
1910.326(h)	#741;
.326(k)(1)	#594;

Subpart T[Commercial Diving]

1910.410(a)(4)	#79-731;
.410(c)(1)	#79-731;
1910.420(a)[Safe practices manual]	#77-4234;
1910.421(b)[Call numbers]	#77-4234;
1910.422(c)(1)(i)[Two way systems]	#77-4234;
.422(c)(2)[Two way system location]	#77-4234;
.422(i)(4)[Working interval termination]	#77-4234;
1910.425(c)(1)[Diver tended]	#77-4234;
1910.430(c)(3)(i)[Umbilical marked]	#77-4234;
.430(j)(2)[Weights & Harnass]	#78-1618;

Subpart Z[Toxic & Hazardous Substances]

29 CFR 1910.1000(Previously 1910.93)[Air contaminants]	#337;1369;4349;6742;13442(RC); 13916(RC);76-1720;77-1133(RC); 79-1618;
.1000(a)	#368;389;722;1919;2185; 77-2545(RC);78-4674;
.1000(a)(2)[8-hour time weighted average]	#5566;76-3816;77-1074;
Carbon monoxide	#77-349(RC);
Coal tar pitch	#2896(RC);5594;7737(RC);78-144; 78-3419(RC);
Valid as to steel industry	#2975;
Chlorine	#4871;
Copper fumes	#78-4392;79-769;
Ethylene oxide	#79-6604;
Cotton dust	#722;1422(RC);2274(RC);2873; 5625;12597(RC);
Fluoride	#13916(RC);Bethlehem IV;
Iron oxide fumes	#10920;78-439;78-4580;79-769; 79-1358; 81-231;
Lead and copper	#2311(RC);3359;79-3009;
Silica dust	#3336(RC);7359(RC);8303;9666;
Even though employee properly masked, R must still seek feasible eng. & adm. controls	#7359;
Controls that impairs quality not feasible	#7359;

STANDARDS (Cont.)
29 CFR 1910.1000(a)(2) (Cont.)

Silver nitrate and oxide	#77-1811(RC);
.1000(b)(1)[Table - 8 -hour TWA]	#368;2185;2311;3336(RC);3632; 3957;76-4636;77-2207;77-2235(RC); 79-3009;
Chromate	#76-4388;
Lead	#76-4388;78-5459;
Mercury	#563;77-2235;
.1000(b)(2)[Acceptable concentration]	#78-1269;
.1000(c) [Dust]	#3336(RC);3813; 4678(RC);5026; 76-3431;76-3816;77-787;77-2484; 79-3009;79-4549;Hermitage;
Nuisance	#77-672;78-2696(RC);
Properly adopted	#4678(RC);Hermitage;
.1000(d)(2)(i)[Computing exposure] Unenforceable	#76-3816;77-3177;
.1000(e)[Adm. & eng. controls det.]	#722;1600;1942;2873;2975;3336(RC); 3449;4349;5306;9666;12597(RC); 76-3431;76-4636;77-1074; 77-2235(RC);77-2545(RC);78-4392; 79-3009;79-4549;80-4340; Bethlehem IV;
Chlorine	#4871;
Coal tar pitch	#78-3419(RC);
Copper & Iron Oxide	#79-769;
Iron Oxide	#78-4580;79-1358; 81-231;

STANDARDS (Cont.)

29 CFR 1910.1000(e) (Cont.)

Lead	#78-5459;
Mercury	#77-2235; 81-407;
Silver nitrate and oxide	#77-1181(RC);
Sulphur dioxide	#78-3019;
Not sep. viol. from (a)(1) (But see #78-4392)	#78-1455;
Not sep. viol. from (b)(1)	#77-2235;
Properly adopted	#4678(RC);
Toluene	#78-4674;
.1000(g)(1)(i)[Caution signs]	#79-4080(RC);
1910.1001[Asbestos] Properly promulgated	#10757; 77-2039(RC);78-555(RC);
.1001(a)	#10757(RC);
.1001(b)(1)	#2692;3359;3957;6191;77-3040(RC); 77-3542(RC);79-4080(RC); 81-407; Rockwell;
.1001(b)(3)	#2692;3957;10757;Rockwell;
.1001(c)(1)	#2692;3957;11983;13732(RC); Rockwell;
.1001(c)(2)	#78-6257;
.1001(c)(2)(i)	#78-414;

STANDARDS (Cont.)

29 CFR 1910.1001(c)(2)(iii)	#13102(RC);78-2419(RC);
.1001(d)	#6191;10757(RC);
.1001(d)(2)	#78-6257;
.1001(d)(3)	#3957;10757;
.1001(d)(4)	#3957;4804(RC);10757;
.1001(d)(4)(ii)	#10757;
.1001(d)(4)(iii)(b)	#4804(RC);
.1001(d)(4)(iii)(c)	#4804(RC);
.1001(f)[Monitoring]	#4804(RC);10757;11756(RC);76-73; 78-414; 78-741(RC);78-6120;79-2969;
Actual release must be established	#13442(RC);
.1001(f)(3)(i)	#4804(RC);78-6120;79-4080(RC);
.1001(g)(1)[Caution signs]	#6191;76-73;
.1001(g)(1)(i)[Posting]	#3957;4804(RC);10757;77-2526; 79-6918(RC);
.1001(g)(2)(i)[Labeling]	#3957;77-2526;78-414; 78-741(RC); 78-6257; 79-2039(RC);79-6918(RC);
.1001(h)(i)[Cleaning]	#3957;4804(RC);6191;77-2526; 78-773;79-2711;
Excessive concentration	#76-2025;
.1001(h)(2)	#78-414;78-6257;79-6918(RC);

STANDARDS (Cont.)

29 CFR 1910.1001(i)(1)[Record keeping]	#6191;78-6120;
.1001(j) Any amount requires comp.	#6191;7355;5003(RC);10757; 11756(RC);GAF
Valid standard	GAF
.1001(j)(2)[Preplacement med. exam.]	#13102(RC);76-73; 77-2039(RC); 78-414; 78-741(RC);78-773; 80-2196;81-246; 81-407;
.1001(j)(3)[Annual exam]	#4804(RC);12748(RC);13102(RC); 77-2039(RC);77-2484;78-414; 78-741(RC);78-6120;80-2196;
Medical exam.required even when conc. below table	#5003(RC);8902;
.1001(j)(4)[Termination exam]	#77-2039(RC);
1910.1007(e)(5)[Training]	#1495(RC);
1910.1017 (Previously .93q)[Vinyl chloride]	
.1017(b)[Definition]	Western Elec.;
.1017(c)(1)	Western Elec.;
.1017(c)(3)	Western Elec.;
.1017(j)	#78-4862(RC);
.1017(j)(1)(ix)	#13693;
.1017(m)(1)	#13693;
.1017(m)(2)(i)(6)	#13693

STANDARDS (Cont.)

29 CFR 1910.1017(n)(2)[Report emerg. w/i 24 hours]	#76-150;
1910.1025(c)(1)[Excessive exposure]	#80-749; 81-231;
.1025(d)(2)[Determination of exposure]	#81-231
.1025(d)(8)(ii)[Written notice]	#80-749;
.1025(e)(2)[Respirators]	#79-3009;
.1025(f)(1)[Respirators]	#81-231
.1025(f)(1)(iii)[Respirators]	#80-749;
.1025(f)(2)(i)	#79-6221
.1025(f)(3)(i)[Respirator fitted]	#79-3009;
.1025(f)(3)(ii)[Fit tests]	#81-231;
.1025(f)(4)(i)[Respiratory protection program]	#80-749; 81-231;
.1025(g)(1)(i)[Coveralls]	#81-1251P;
.1025(g)(1)(ii)[Gloves, hats etc.]	#81-1251P;
.1025(k)(2)(i)	#80-4256;
.1025(k)(2)(ii)	#80-4256;
.1025(k)(2)(iv)	#80-4256;
.1025(n)(4)(i)[Names and S.S. Nos.]	#80-2267;

STANDARDS (Cont.)

29 CFR 1910.1029[Coke oven emergency]	#79-7223A;
.1029(e)(1)(iii)[Air samples]	#78-1923;
.1029(f)(1)(i)(a)[Date to institute controls]	#78-1362;
.1029(f)(4)(i)[Filtered air]	#78-1362;
.1029(f)(4)(ii)[Standby pulpit air control]	#78-1362;78-1923;
.1029(f)(6)(ii)(e)[Sched. for implementing controls]	#78-1362;
.1029(g)(1)(ii)[Resp. disc. until 1-20-78]	#78-144;80-119;
.1029(h)(2)(iii)[Cleaning etc. of prot.cloth.]	#78-1362;
.1029(i)(3)[Lunch room air controlled]	#78-1923;
.1029(i)(5)(i)[No food in req. area]	#78-1362;
29 CFR 1915[Ship repairing]	
1915.1(b)[Re Coast guard]	#77-805(RC);
1915.2(m)[Confirmed space]	#76-1201(RC);
1915.11(c)(1)(i)[Test atmosphere]	#691;76-1408(RC);78-3054;
.11(c)(1)(ii)[Sealed compartments]	#691;76-1408(RC);

STANDARDS (Cont.)

29 CFR 1915.12(a)(3)[Tests before cold work]	#77-3540;
.12(f)[Lights in hazardous area]	#7;
1915.13(a)[Cert. before hot work on tank vessel]	#7;1979;
.13(a)(2)(i)[Cert. before hot work on dry cargo vessel]	#77-1527;
1915.14(d)[Competent person to inspect]	#77-3540;
1915.15(c)[Warning signs]	#78-1324;
1915.21(c)(1)(iv)[Dead man devices]	#79-3295;
1915.23(c)(1)(iv)[Abrasive blasting dead man control]	#1321;2391;77-1950;
.23(c)(3)(ii)[Abrasive blasting protection]	#2391;76-4905(RC);
1915.24(a)(1)(iii)[Respirator using toxic paint]	#1321;
1915.31(a)(1)[Mech. vent. during welding]	#1321;
.31(b)(1)[Confined space]	#79-1021;
.31(c)[Welding toxic materials]	#77-1527;
.31(e)(2)[Eye protection]	#544;

STANDARDS (Cont.)

29 CFR 1915.32(e)[Add'l. fire prot. req.]	#12877;
.32(g)[Control of torch cut-off]	#6;78-3054;76-1201(RC);
1915.35(a)(1)[Handling gas cylinders]	#2391;
.35(a)(8)[Close valves]	#354;480;1321;
.35(a)(9)[Secured in upright position]	#2391;
.35(b)(2)[Keep away from elec.]	#354;480;
.35(e)(1)[Containers identified]	#589;
.35(h)[Pressure regulators]	#354;480;
1915.36(b)(4)[Cables in poor repair]	#1321;
1915.41(a)(8)[Open flame near ropes]	#21;
.41(a)(10)[Crane hook]	#76-4905(RC);
.41(e)(1)[Spec. for supporting hooks]	#2869;
.41(e)(4)[Scaffold end support]	#2869;
.41(h)(2)[Platform width]	#6;21;1556;2391;
.41(i)(1)[Railings]	#6;21;161;1321;2391;2869;79-2307;
.41(i)(2)[Rail spec.]	#1321;
.41(i)(3)[When rails may be omitted]	#21;2869;76-4905(RC);

STANDARDS (Cont.)

29 CFR 1915.41(j)(1)[Fixed ladder]	#79-2307;79-2922(RC);
.41(j)(5)[Access from above]	#1556;2869;
1915.42(a)(1)[Use of def. ladders]	#12139;
.42(a)(3)[Securing port. ladders]	#12139;
1915.43(a)[Deck holes covered]	#36;1556;2391;78-1907;79-4135;
.43(b)[Open hatches]	#79-5025;
.43(c)[Unguarded edges]	#2357;79-4135;
.43(d)[Prot. near edge of vessel]	#2357;2391;77-1527;
.43(e)[Guarding exposed bilge]	#15908(RC);79-5025;79-5971;
1915.44(a)(1)[Access to vessel afloat]	#354;480;15825;78-5444;
.44(c)(2)[Ramp for barges, etc.]	#2391;
1915.45(a)[Access to floating drydock]	#2357;
1915.47(b)[Working aloft]	#1556;80-5153;
1915.51(a)[Housekeeping]	#93;97;161;1556;2391;8342(RC); 10098;12516(RC);12734;15317(RC); 79-5025;79-5971;80-6793; Bethlehem I;
1915.52(a)[Lighted work area]	#93;161;12734;
1915.53(B)(1)(i)	#80-2677;
1915.55(a)[Working near radiation]	#6745(RC);

STANDARDS (Cont.)

29 CFR 1915.57(c)[Records re hazardous material]	#2391;
.57(d)[Instruct employees]	#80-6793;
.57(e)[Employer provide controls]	#78-144;
1915.64(c)[Chain fall overhead support]	#1321;6745(RC);15908(RC);
1915.65(a)[Derrick, etc. certification]	#77-585;
1915.66(c)[Load tag lines] Every load does not require	#6745(RC); Bethlehem III
.66(i)[Load not over heads]	#77-3204;
.66(m)[Hatch completely open]	#1248;
.66(o)[Employees warned of load]	#77-3204;
1915.71(g)[Air hose labeling]	#1321;
1915.72(a)[Port. tool grounding]	#354;480;10098;
.72(c)[Port. tool switches]	#1321;
1915.81(b)(1)[Face protection]	#2082;5079;79-5971;
1915.82(a)(1)[Respiratory prot., general]	#78-144;
.82(a)(2)[Respiratory equip. insp.]	#78-144;80-4398;
.82(a)(3)[Equip. not cleaned]	#80-4398;

STANDARDS (Cont.)

29 CFR 1915.82(a)(4)[Training in equip. use]	#80-4398;
.82(c)(2)(i)[Air line resp. need]	#93;
1915.83(a)[Hard hats]	#2869;
.83(f)[Gloves]	#78-3207;
1915.84(c)(1)[No. of life rings]	#589;2357;2391;
.84(c)(4)[Ladder escape route]	#87;12139;
.84(d)	#161;
1915.92	#77-277;
1915.111(a)[Deenergize circuits]	#78-3207;
.111(b)[Deenergize method]	#78-3207;
29 CFR 1916[Shipbuilding related activity dist.]	
1916.10(a)(1)	#79-6635;
1916.24(a)(1)(i)[Toxic paint in conf. space]	#1487;
.24(a)(1)(iii)[Resp. in large areas]	#11011(RC);
1916.31(a) & (b)[Mech. vent. & confined space]	Bethlehem IV
.31(a)(1)(iv)[Exhausting cont. air]	#76-291;

STANDARDS (Cont.)

29 CFR 1916.31(b)(1)[Confined space]
  Not vague #16317(RC);

1916.32(g)[Control of torch cut-off] #6;

  .32(i)[Moving containers for flammables] #77-2762;

1916.35(a)(1)[Handling gas cylinders] #77-1967;

  .35(a)(7)[Steadying tanks while in use] #1281;

  .35(a)(9)[Cylinders secured] #354;

  .35(b)(2)[Keep away from elec.] #354;

  .35(b)(4)[Cylinders not in confined area] #77-2762;

  .35(h)[Pressure regulators] #354;

1916.36(b)(3)[Insulated connectors] #76-3444(RC);78-3198;

  .36(b)(4)[Cable condition] #77-2526;

  .36(c)[Grounding machines] #77-705;

  .36(e) #77-2526;

1916.41(a)(1)[Scaffold spec.] #77-4263;

  .41(a)(5)[Safe & secure scaffolds] #76-3444(RC);77-4263;
    Not app. to vessel on blocks in Ca. #76-291;

  .41(f)(5) #77-2762;

STANDARDS (Cont.)

29 CFR 1916.41(h)(2)[Platform width]	#77-2089;77-2762;
.41(i)(1)[Platform railing] Required during dismantling if used to perform work	#6;76-3444(RC);77-2762;78-3198; Nat. Steel
.41(i)(2)[Rail spec.]	#77-2762;
.41(i)(5)[Toeboard]	#76-3444(RC);77-2762;
.41(j)(1)	#79-6635;
.41(j)(2)[Ramp handrails]	#6;
.41(j)(5)[Access to staging from above]	#77-2762;
1916.42(a)(1)[Use of defective ladders]	#77-2762;
.42(a)(3)[Securing port. ladders] "In use" discussed	#77-2526;77-2762; #1281(RC);79-5493;79-6635;
1916.43[Guarding deck openings]	#76-1481(RC);76-3444(RC);77-2526; 79-2984;79-6635;
.43(b)[Prot. deck opening]	#77-1967;77-2663;77-2762;
.43(c)[Guarding deck edge]	#16311(RC);76-3444(RC);77-2526; 78-3393;79-5493;79-6166;
.43(d)[Flotation gear]	#77-2762;
.43(e)[Guarding bilge opening]	#76-291;

STANDARDS (Cont.)

29 CFR 1916.44(a)(1)[Access to vessels afloat]	#354;
.44(a)(2)[Gangway railing]	#354;
1916.51(a)[Housekeeping]	#12311(RC);13799(RC);16317(RC);76-1481(RC);76-3444(RC);77-2762;78-1907;
Aff. defense to	#13155;77-2762;
"In use" exception	#12311(RC);13155(RC);16317(RC);
Net usage	#12311(RC);
.51(b)[Debris & const. mat.]	#12510(RC);77-2762;
.51(c)[Eliminate slippery conditions]	#76-291;
Does not apply to weather conds.	Dravo
1916.52(b)[Temporary light specs.]	#3833;77-2762;
1916.57(c)[Records re hazardous material]	#1487;76-360(RC);76-437(RC);
.57(d)[Instructions re hazards]	#1487;
.57(e)[Controls & Protection]	Bethlehem IV
1916.58(a)	#79-6635;
1916.62(b)(2)[Protruding ends of wire strands]	#76-360;
1916.65(a)[Derrick, etc., certification]	#13799(RC);77-585;

STANDARDS (Cont.)

29 CFR 1916.66(i)[Loads overhead]	#76-1481(RC);77-2526;
.66(o)[Employees warned of load]	#77-2526;
1916.67(b)[Qual. of crane, etc., operators]	#4350;
1916.72(a)[Port. tool frame grounding]	#354;
1916.73(d)[Cond. of wooden handles]	#77-705;
1916.81(c)[Eye protection]	#78-3198;
1916.82(a)	#79-6635;
1916.83(d)	#79-6635;
1916.84(c)(4)[Water escape ladder]	#77-2526;
29 CFR 1917	
1917.10(c)[Logging test]	#78-78;
1917.13(a)[Testing hot work in open]	#78-78;
.13(b)(2)(iii)[Hot work below deck, fuel tank]	#78-78;
1917.14(a)(1)[Testing hot work in open]	#78-78;
.14(b)(1)[Hot work below deck]	#78-78;
1917.44(c)(1)[Access to vessel afloat]	#78-78;
1917.51(b)[Aisles & passageways]	#12408(RC);

STANDARDS (Cont.)
29 CFR 1918

1918.3(a)["Shall" defined and "should" discussed]	#8;211(RC);3367(RC);10825(RC);77-3177;78-3229;Pittsburgh;Anaconda
Defined	#211(RC);
.3(h)[River towboat defined]	#11007(RC);
.3(i)[Longshoring operations defined]	#1671;
.3(s)["hazardous cargo" includes] Barium hydroeide monohydrate	#1672;
1918.7[Not. of serious or fatal accidents]	#4;1767;
1918.11(b)[Gangway railing]	#4786;
1918.12(a)[Use of vessel cargo handling gear]	#1430;12140;
1918.13(a)[Equip. not to use in moving cargo]	#8;837;1767;15757(RC);80-4220;
1918.21(b)[Fixed tread gangway]	#1531;
1918.22(a)[Jacob's ladder]	#1242;
1918.23(b)[Access, wharf to barge etc.]	#1671;1767;
1918.25(a)[One ladder per gang]	#8;1038;1430;2073;2340;6018;10199(RC);12272;
.25(b)[Visibly unsafe ladder]	#1129;

STANDARDS (Cont.)

29 CFR 1918.25(c)[When straight ladders required]	#90;
.25(d)[Clearance behind ladder]	#1767;
.25(e)[Ladders to gain access to deck cargo]	#410;2073;8221(RC);
.25(f)[Spec. for port. ladder]	#8221(RC);10115;
1918.31(c)[Defective hatch cover]	#1132;
1918.32(b)[Edge of hatch section exposed]	#13418;78-1353;79-5737;
Cargo includes containers	#15242(RC);
Stowed includes deck storage	#15242(RC);
.32(c)[Net for 2 gangs in same hatch]	#2;
1918.33(a)[Safe passage]	#76-4905(RC);
.33(b)[Signalman passage]	#2073;14266;76-540;79-5278;
1918.35[Open hatches]	#410;14354;
1918.41(c)[Grab line when handling hatch covers near coaming]	#14;
1918.42(b)[Bridle specs.]	#14;
1918.43(e)[Securing beam in hatch opening]	#14;1430;4956(RC);6551;
Adjacent to a section discussed	#1(RC);
Dunnage defined	#5(RC);

STANDARDS (Cont.)
29 CFR 1918.43(e)[Securing beam in hatch opening] (Cont.)

Rope type discussed	#642(RC);
.43(f)(1)[Lashing roller hatch beam]	#1430;
1918.51(b)[Unsafe gear not used]	#1744;
1918.52(d)(1)[Heel block precautions]	#1531;
1918.53(a)(1)[Guarding moving parts]	#1132;1767;
.53(a)(3)[Safeguarding winch clutch]	#15412;
.53(a)(7)[Winch control ext. lever]	#3970;
1918.54(d)[Cargo fall chafing]	#1744;
1918.55[Cranes]	#14070;
1918.63(b)[Protruding end of wire rope]	#12443;12725;
.63(c)[U bolt to form eye]	#1767;2340;
1918.65(b)[Mousing screw pin shackles]	#72;
1918.67[Pallets]	#77-3031;
1918.73(b)(1)[Forklift overhead guards]	#4;
.73(h)[No load over employees]	#2340;
.73(i)[Working surface hold equip.]	#332;

STANDARDS (Cont.)

29 CFR 1918.73(j)[Control when unattended]	#2340;
.73(k)[Edge guard when forklift on deck]	#5542;13898;
1918.74(a)[Req. for use of crane]	#1453;
.74(a)(9)[Load indicator device]	#10113;
.74(a)(10)[Swing radius of crane]	#14617;
.74(c)[Swing radius gaurded]	#76-4905(RC);
1918.81(a)[Slinging "drafts"]	#5581;80-2540S
.81(c)[Swing "draft" to prevent slide]	#5;79-2940;
1918.83(b)[Precautions when breaking down] Referred to in Scott v. Ciudad de Ibaque, 426 F2 1105 (1112)	#18;
1918.85(b)(6)[Inbound containers weighed]	#1483(RC);
1918.86[Hazardous cargo]	#1672;1973;4658;77-3031;
1918.91(a)[Tripping hazards]	#296;1242;5581;76-4905(RC); 78-727;
.91(b)[Gear not in use]	#296;7350;
.91(g)[Dunnage storage]	#7612;
1918.92(a)[Lighting]	#6589;

STANDARDS (Cont.)

29 CFR 1918.93(a)(1)(i)[Vent. engines]	#296;3219;76-540;79-5278;
.93(a)(1)(ii)[Carbon monoxide in air]	#296;
.93(c)[Testing]	#79-6896;
1918.96(a)[First aid]	#837;1671;6551;
.96(b)[Contents of first aid kit]	#1967;
.96(d)[Stokes basket]	#837;1767;12534;76-540;
.96(e)[Lifering]	#837;1767;12534;
1918.101(a)[Eye protection]	#14617;
1918.102(c)(3)[Dust protection]	#14617;
1918.104[Foot protection]	#6589;
1918.105(a) [Hard hats]	#2870;2872;3320,3821(RC);3824(RC);3985(RC);4107(RC);4114;4445;6551;6565(RC);10554(RC);11632;12102;12272;13443(RC);14354;78-727;78-1023;Atlantic & Gulf;ITO Corp.;
No penalty in face of strike treat	#12284(RC);
Not vague	#2588;
Properly promulgated	#4671(RC);4897(RC);
1918.106(b)[Prot. while on log boom]	#1767;2240;

STANDARDS (Cont.)

29 CFR 1926[Construction]

Applicability of	#77-226;
Effective date of	#6134;
Properly promulgated	#7734(RC);76-3890;78-2760; 78-2965;National Ind. Cont.
Subparts A, B, and X not applicable	#827;
Subpart B[General Interpretations]	
1926.10[Scope]	#1689;
1926.12(c)[VA & FHA housing]	#1324;
1926.13[Interpretation of terms]	#1324;1689;
1926.16[Longshoring]	#674;
Subpart C[General Safety & Health Provisions]	
1926.20[General safety & health]	
.20(a)[Contractor, requirements]	#507;525;78-1363;79-1420;
.20(b)(1)[Accident program]	#782;923;1229;1689;4078(RC);
Not a standard	#923;
.20(b)(2)[Program requirements]	#923;1229;2684;8842;80-4532; 80-7081;
.20(b)(3)[Tools etc. must comply]	#1229;8101;79-1360;80-7081;

STANDARDS (Cont.)

29 CFR 1926.20(b)(4)[Employees qualified]	#2591;9747(RC);
.20(b)(6)(1)[Instruction re hazard]	#4078(RC);
1926.21[Safety training & education]	
.21(b)(1)[Employer responsibility]	#10277;80-4532;
.21(b)(2)[Employer teach]	#923;1294;1689;2665;2805;8842;10277;13528(RC);76-1308;76-4675(RC);77-1299;78-2090;78-2423;78-3427;78-3494;78-4133;78-4204;79-1420;79-3438;79-4517;79-5033;79-7127;80-177;80-219;80-520;80-568;80-1420;80-1866;80-4492;80-7081;81-529;
Not vague	#10277(RC); 81-1977;National;
Subcontractor's lack of knowledge re chlorine	#78-3607;
Supervision required	#76-4428;
.21(b)(5)[Instruction required]	#80-6246;
.21(b)(6)[Teach hazards of confined space]	#1264;76-4899(RC);77-3306;80-3589;
1926.23[First aid & medical attn.]	#211;1715;1722;
1926.24[Fire protection & prev.]	#3042(RC);3344(RC);5064(RC);10274;
1926.25[Housekeeping]	
.25(a)[Debris in work area]	#154;294;383;413;494;503;557;690;762(RC);1038;1127;1128;1165;1367;1780;1955(RC);1995;2023;2087;2249(RC);2426;2431;3163;3180;3257(RC);3271(RC);3279;3344(RC);3386;3603;3694(RC);3701(RC);4028;4034;4140;4369;4598;4626(RC);4679;4800;4968;5064(RC);5104;5190;5627;5740(RC);6007(RC);6048(RC);6134;6145;7327;7792;8468(RC);8685(RC);

STANDARDS (Cont.)
29 CFR 1926.25(a) (Cont.)

	#8824;9806(RC);9896;10116;10274;11222;1259(RC);12939(RC);13013;13795;13832(RC);13839;13869;13875;76-1567(RC);76-3105(RC);76-4271(RC);76-4371(RC);77-1753;78-11;78-3775;78-4989(RC);78-5997;79-25;79-33;79-864;79-1420;79-2899;79-3489;79-3591;79-3669;79-4038;79-5984;79-7127;80-914;80-1740S;80-1745;80-2584S
Debris discussed	#76-2326(RC);
Storage area not covered by	#11127(RC);
.25(b)[Removal of combustible]	#435;494;557;3163;12130;76-3103(RC);79-33;79-3489;
Debris defined	#6145;13832(RC);
Does not include collected pile	#413;
Natural on construction site	#1127;
Not R's but endangering his employees	#690;
Travel within 30' not viol.	#76-2326(RC);
.25(c)[Containers for]	#557;3163;8116;
"Frequent and regular intervals" As often as debris accumulates	#76-3103(RC);
1926.26[Illumination for]	#10274;
1926.28[Personal protective equip.]	
.28(a)[Employer require wearing of]	#320;572;609;762;1049;1184(RC);1382;1396;1504;1557;1598;1731;1735;1871;2150;2183;2232;2295(RC);

STANDARDS (Cont.)
29 CFR 1926.28(a)(Cont.)

	#2693;3035;3580(RC);3735;3776;3863;4047;4179(RC);4319(RC);4374;4537(RC);4756(RC);5190;5220;5421(RC);5482;6007(RC);6120;6133;6163;6902;7102(RC);7360;7374;7460;7918;8096(RC);8293;8345;8810;9054(RC);9303;9467;9507(RC);9726;10269;10659;10859;11046;11864(RC);12031;12135(RC);12136(RC);12143;12577;12686(RC);13143;13528(RC);13676;13801;13832(RC);13839;13874(RC);13972;14015;15426(RC);15472(RC);15757(RC);15841(RC);16067(RC);16147(RC);16235(RC);16249;76-325;76-2165(RC);76-2760(RC);76-3295;76-4844(RC);76-5241;77-859;77-963;77-1609;77-3037;77-3772(RC);77-3878(RC);77-4319; 78-204(RC);78-797;78-1363;78-1392;78-2119(RC);78-2184;78-2760;78-2908;78-2923(RC);78-4148;78-4947;78-4999;78-5571;78-5644;79-2724;79-3189:79-3431;79-3683;79-4546;79-5201;79-5235;79-5359;79-5553;79-6128;79-6145;79-6180;79-7126;79-7127;80-210;80-219;80-520;80-1025;80-2760;80-2849;80-2952;80-3295;80-3652;80-3808S;80-4305;80-4561;80-4976;80-4979;80-5205;80-5347;80-6003;80-6325;80-7045;81-27;81-109;81-658;81-1015; 81-1478;81-2000;Otis;
"And" to "or" no change	#1399(RC);2931(RC);6415(RC);15855(RC);
Applies to gently sloped roof	#76-357;
Applies to prot. required by ind.	#12931(RC);
App. to falls less than 25'	#12940;14739(RC);
Applicable to steel erection	#76-628(RC);76-1309;
Belts not feasible for roofers	#76-4361;

STANDARDS (Cont.)

29 CFR 1926.28(a) (Cont.)

Burden of proof re abatement not feasible	#78-5795;
Complement steel erection standards	Bristol;
Defense of impossibility	#76-533;Bristol;
Elements of prove violation	#13810;
Flat roof guarding not feasible	#78-4579;
"Hazardous" not vague	#6415(RC);
"Indicates the need for using" explained	#9985(RC);
Industry custom & experience	#7792(RC);
Knowledge of hazard under	Power;Bristol;
Life belt over water	#78-6032;
New proof comparable to 5(a)(1)	#77-3856;
Not app. to steel connectors	#15976;
Not app. to steel erectors	#13063;
Not vague	#1399(RC);2031;2204;2610(RC); 3750(RC);4005;9985(RC);12940(RC); 14907(RC);14866(RC);76-628(RC); 76-2760(RC);78-507(RC);Jensen;
Prior to rewrite 12-16-72 Vague	Hoffman (See 76-628(RC));

STANDARDS (Cont.)

29 CFR 1926.28(a) (Cont.)

Properly adopted	#3750(RC);6415(RC);
Provide seat belt & not require use	#77-2395;
Reasonable man would have protected against	#79-989;80-6737;Bristol;
Requirements of	
Exposure or other standard indicating need for prot. equip.	#76-592(RC);78-4508;
Standard	#79-989;
Requires rec. hazard	#77-1568;
Requires safety belts	#3395(RC);
Contra	#13063(RC)
Rubber boots	#80-2387;
Tie-off feas. not factor	#77-2331;
Roof	
Not feasible to use belt	#76-3536;
Safety belt not used by industry	Power
Contra	#14907(RC);
Safety belts	#14739(RC)14899(RC);15565(RC); 15855(RC);76-1104;76-1140(RC); 76-1718;76-1844(RC);76-1930; 76-2339(RC);76-3105(RC);76-4361; 77-1568;77-1756;77-2627;77-3776; 77-3878;78-11;78-1681;78-1879; 78-4508;78-5705;79-25;79-2658; 79-5729;80-1769;80-3407;

STANDARDS (Cont.)
29 CFR 1926.28(a) (Cont.)
Safety belts (Cont.)

Exception to steel connectors	#703(RC);2249(RC);
Exception not to insulators	#9985(RC);
Exception not to carpenters installing planking on steel	#19252;
On flat roof	#14907(RC);
Required when familiar person with industry would consider a hazard	#78-5795;
While transiting steel	#77-1753;78-972;
Safety shoes	#79-6305;
SOL must est. acceptable conduct	#7792(RC);
SOL must est. feasibility of using tied off safety lines	#78-3234;Bristol;
SOL must est. spec. measures R should take & prove feasibility of	#12876(RC);76-165;76-1146; 76-1975(RC);78-118;
Temporary floor	#6133;77-1756(RC);
Tied to scaffold that fell	#12754;
Vagueness	#76-1538(RC);Hoffman;Power;B&B; Jensen;
RC doesn't accept	#15450(RC);
8" wide precast concrete beam	#14669;

STANDARDS (Cont.)

29 CFR 1926.28(b)[Req. governing use in Subpart E]	#47;320;440;3035;5320;13528(RC);
1926.32[Definitions]	
.32(i)[Employee]	#9747(RC);
.32(p)[Shall]	#211;
Subpart D[Occ. Health & Environmental Controls]	
1926.50[Medical services & first aid]	#211;
.50(c)[First aid if facility not avail.]	#1687;2763;3609;6303;6604;10620; 11050;12067(RC);14015; 77-1334(RC); 80-576;80-1866;
"Reasonably available" 5 minutes away is	#15523(RC);
.50(d)[First aid supplies accessible]	#867;3223;6604;7509(RC);7690(RC); 12721;13010(RC);14899(RC);76-1513; 76-1892;77-2693;77-4310;79-3304;
.50(d)(2)[Contents first aid kit]	#853;1687;5469;
.50(e)[First aid transportation equip.]	#15405(RC);78-1908;78-4672;
.50(f)[Telephone number of dr.]	#306;1157;3348;3371;3900;4239; 9334;13503(RC);79-2899;79-3304;
1926.51[Sanitation]	
.51(a)(1)[Potable water]	#306;5137;9507(RC);
.51(a)(4)[No common cup]	#549;1208;5743;14733;80-3462; 81-109;

STANDARDS (Cont.)

29 CFR 1926.51(a)(5)[Container for disposable cups]	#637;2097;6007(RC)6134;9806(RC);
De Minimis	#637(RC);15094(RC);
.51(b)(1)[Id. outlets for non-potable]	#5064(RC);
.51(c)[Const. site toilets]	#211;219;701;
.51(c)(2)[One per site]	#306;549;
.51(c)(3)[Jobsites]	#3701(RC);
1926.52[Noise exposure]	
.52(a)[Protection against excessive]	#8116;11524;14425;79-2548; Harrison;
.52(b)[When excessive, feas. controls]	#1592;11524;13171(RC);16056;
.52(d)(1)[Hearing conservation program]	#359;578;692;797;8116;
1926.54(d)	#79-538;
.54(k)	#79-538;
1926.55[Gases, vapors, fumes, dust and mists]	
.55(a)[Avoid exposure to]	
"And"	#78-6001;
Lead	#78-6001;
Toluene	#782(RC);

STANDARDS (Cont.)

29 CFR 1926.55(b) Not separate citation from 55(a)	#78-6001
.55(d)(1)[Guard, floor, platform]	#80-5498;
1926.56(a)[Illumination, general]	#557;781;1615;9896;10923;77-3646; 78-5997;79-3304;79-3943;79-3951; 80-2809S;
1926.57(c)	#79-4517;
Subpart E[Personal Protective & Life Saving Equipment]	
1926.100(a)[Head protection, helmets]	#111;259;494;585;680;690;1049; 1086;1458;1780;1871;1995;2459; 2825;2842;3042(RC);3322;3344(RC); 3701(RC);3705;3900;4681;5134;5467 (RC);5478;6015;6048(RC);6623;7370 (RC);7792(RC);8096(RC);8505;9507 (RC);9980;10116;10792;12067(RC); 12696(RC);13335(RC);13781;13869; 13958(RC);14123;14733;14899; 76-1513;77-2292;77-1609;77-3877; 77-4310;78-304;78-799;78-4698; 79-460;79-826;79-2235;79-2899; 79-5553;79-6128;79-6671;79-7127; 80-520;80-3109;80-3694; 81-1977;
.100(b)[Helmet spec.]	#111;494;1049;6623;76-1801(RC);
1926.102(a)(1)[Eye & face, general] (1010.103(a)(1))	#111;503;597;782;2042;5249;5390; 6048(RC);6644;9334;11127(RC); 13832(RC);14036(RC);16225;77-4310; 78-2423;79-1263;79-3683;79-4038; 79-6128;80-3265;80-3733;80-6325;
.102(a)(2)[Meet ANSI requirement]	#690;
1926.103[Respirator protection]	#76-190(RC);

STANDARDS (Cont.)

29 CFR 1926.103(a)(2)[Approval of respirator]	#702;
.103(b)(1)[Consider chem. you are guarding]	#13832(RC);
.103(c)(2)[Inspected regularly]	#9056;77-2627;
1926.104[Safety belts, life lines & lanyards]	
.104(a) [Lifelines]	#1482;1557;2825;3863;7936; 8096(RC);9054(RC);
Does not require use of prot. equipment	#9314(RC);
Vague	#2246;12686(RC);
.104(b)[Secured above]	#703;1113;2097;3507;15472(RC); 76-4507(RC);77-1925;78-92;80-6003;
.104(c)[Spec. for lifeline]	#1205;
.104(d)[Spec. for lanyard]	#762(RC);777;2097;77-1925;
.104(e)[Spec. for hardware]	#1205;
1926.105 [Safety net]	#117;980;
.105(a)[When required] [See 1918.105(a)]	#41;117;295;320;702;703;860;1205; 1453;1504;1670;1681;1731;1796; 1807;3010;3586;3657;4036;4537(RC); 5482(RC);6133;7377;7909(RC);7936; 8425;9622(RC);9850(RC);10269; 10556;12031;12411;13243(RC);13463 (RC);13801;15960;16147(RC); 76-140(RC);76-3653(RC)76-3880(RC); 76-4507(RC);76-4558;76-5241; 77-2735;77-3529;78-467;78-702; 78-1363;78-2184;78-2760;78-2923; (RC);78-5310;78-5571;79-25;79-2117; 79-3431;80-210;80-219;80-457; 80-2760;80-3694;80-4305;80-6325; 80-5808S;80-6687;

STANDARDS (Cont.)

29 CFR 1926.105(a) (Cont.)

	Bounds;Southern Contractors; Verne-Woodrow Co.;Fiegen;Pearl; Builders Steel;Southwestern;
Applies to any roof	#14968(RC)
At least one device must be used	Southern Colo.
Flat roof guarding not feasible	#78-4579;
Hazardous	#78-1681;
Impractical, as ambiguous term	#15855;76-2258(RC);Bounds; So. Cont. Ser.
Provide fall protection	#76-3800;
Roof is floor for this purpose	#76-4361;
"Safety line" does not mean static line	#78-507;
Safety net	#2414(RC);78-3126;
Subordinate to 1926.705 (b)(2)(i)	#77-3773;
Temporary floor Unwelded steel sheets not	 #980;
To work	#2414(RC);
Use of safety belts difficult	#13638(RC);78-5335;

STANDARDS (Cont.)
29 CFR 1926.105(a) (Cont.)

Use of safety belts impossible	#78-972;
When violated	#15855;
.105(b)[Net in place]	#1453;3035(RC);12577;77-2735;
.105(c)[How hung]	#524;4359;4745;12577;12525(RC); 80-219;80-3694;
.105(e)[Spec. for hardware]	#2097;
.105(e)(1)(ii)[Sub. for extinguisher]	#3163;3386;14275(RC);
1926.106[Working over or near water]	
.106(a)(c)[Life jacket & buoys]	#559;1284(RC);1624;3348;12801; 13047;13578(RC);76-2167;76-3891; 78-6265(RC);
Near defined	#8425(RC);
.106(b)[Inspection after use]	#3348;
.106(c)[Ring buoys]	#81-635;
.106(d)[Skiff available]	#8425(RC);12801; 81-635;;
1926.107[Definitions]	
.107(f)[Safety belts]	#1205;
1926.110(e)(4)(iii)	#78-5845;

SubpartF[Fire Protection & Prevention]

1926.150[Fire protection]	
.150(a)(1)[Develop program for]	#503;557;8101;15631(RC);76-404; 76-2326(RC);77-3640;

STANDARDS (Cont.)

29 CFR 1926.150(a)(2)[Fire fighting equip. access]	**#8116;13832(RC);**
.150(a)(4)[Equip. inspected]	**#503;9056;**
Broken seal does not mean def.	**#13832(RC);80-2591;**
.150(c)[Portable equip.]	#702;1127;1165;
.150(c)(1)(i)[Number fire ext. required]	#146;557;1956;1990;2006;2097;2405;2426;2856;3163;3180;3694(RC);4018;4239;5926;6015;6303;7400;9896;11222;12067(RC);76-3901;77-834;79-2899;
Fire ext. req. when fire potential created	**#12485(RC);79-4978;**
.150(c)(1)(ii)[Sub. for extinguisher]	**#3163;3386;14275(RC);**
.150(c)(1)(iv)[Number exts. on each floor]	**#557;8908;78-3234;**
.150(c)(1)(v)[Prot. against freezing]	#79-863;
.150(c)(1)(vi)[Ext. near flammable]	**#2097;4681;7370(RC);12153;**
.150(c)(1)(vii)[Type ext. prohibited]	**#701;15094;**
.150(c)(1)(viii)[Inspection]	**#3701(RC);12130;12651;14991(RC);76-1087(RC);76-2326(RC); 81-635;**
.150(c)(1)(xiii)[Portable fire extinguishers]	**#77-207(RC);**
.150(c)(2)[Fire hose & connections]	**#3694;**
.150(e)(1)[Alarm system]	**#9896;12651;76-3103(RC);78-3234;79-2899;**

STANDARDS (Cont.)

29 CFR 1926.150(e)(2)[Alarm system posted]	#3900;9896;12651;78-1202;79-2899;
1926.151[Fire prevention]	
.151(a)(2)[Engine exhaust diverted]	#76-1308;
.151(a)(3)[Smoking]	#1636;1682;14015;
.151(a)(5)[Cleaning nozzle bonded]	#10271;
.151(b)[Structure blocking exit]	#702;
.151(b)(2)[Const. of bldg. w/i bldg.]	#9293;
.151(c)(6)[Fire ext. convenient]	#572;
1926.152[Flammable & combustible liquids]	
.152(a)(1)[General requirements]	#494;503;557;680;3322;3476;3728; 4776;5008;5249;5469;7400;8824; 10481;13832(RC);15757(RC);80-4107; 80-5271S;81-109;
Not vague	#2183(RC);80-933;
.152(a)(2)[Combustible liquids in exits]	#680;79-4038;
.152(b)(2)[Storage of comb. liquids]	#1113;
.152(b)(3)[Quantities]	#79-4038;
.152(c)(3)[Diversion of spills by drainage]	#3772;12450;
.152(c)(5)[Storage area clear]	#3772;79-538;

STANDARDS (Cont.)

29 CFR 1926.152(d)(2)[Location of fire ext.]	#494;77-1901;79-538;
.152(d)(4)[Ext. on tank truck]	#15094(RC);
.152(e)(2)[Elec. conn. between vessels]	#3772;6076;79-4787;
.152(e)(4)[Collision damage]	#79-7035;
.152(f)(1)[Flammables in closed cont.]	#1127;1165;6076;
.152(f)(3)[Flammables near open flame]	#6076;80-6246;
.152(g)(2)[Tank truck compliance with]	#1592;
.152(g)(2) (Cont.) 385-3010	#1592;
385-5210	#1592;
.152(g)(9)[No smoking signs]	#3476;4681;76-2364;76-2385;79-25;
.152(g)(11)[Fire extinguisher service]	#76-2623(RC);
1926.153(g)[Inst. of LP gas cont.]	#8215;
.153(h)(13)[Distance heater from supply]	#503;
.153(j)[Storage of LPG container]	#13029(RC);79-2445;
.153(k)(2)[Ventilated enclosure]	#76-4905(RC);

STANDARDS (Cont.)

29 CFR 1926.153(1)[Fire extinguisher storage]	#76-2623(RC);
1926.154(d)[Salamanders]	#78-1202;
1926.155(1)[Definition of "Approved"]	#297;3476;

Subpart G[Signs, Signals & Barricades]

1926.200(g)(1)[Construction signs]	#306;1557;4106(RC);79-5070;
Vague	#3366;
.200(g)(2)[Spec. for traffic signs]	#1557;79-5070;
.200(h)(2)(i)[Additional rules re signs]	#1345;
1926.201(a)(1)[Flagmen]	#3122;9684;80-1109;
.201(a)(2)[Signaling directions]	#9684;
.201(a)(4) [Flagman wearing red]	#1602;4418;9313(RC);76-2414(RC);

Subpart H[Materials Handling, Storage, Use & Disposal]

1926.250(a)(3)[Debris in aisles]	#133;154;1128;2023;2068;3816; 8685(RC);16184(RC)79-2326(RC); 79-33;
.250(b)(1)[Stored material near floor hole]	#6007(RC);8908;10116;11222;12395; 13029(RC);77-1609;79-3189;
Storage defined	#13638(RC);Dic-Underhill
.250(b)(5)[Storage in aisles, etc.]	#154;2829;
.250(b)(8)(i)[Nails in used lumber]	#6007(RC);11543;78-4672;

STANDARDS (Cont.)

29 CFR 1926.250(b)(9)[Cylindrical steel, blocked]	#383;
1926.251(a)(1)[Inspect rigging material]	#1128;7444;78-5571;79-25;80-177;
Defective discussed	#1128;Austin
Not vague	Austin
.251(a)(3)[Rigging material not in use]	#76-3721;
.251(a)(4)[Marking special lifting hooks]	#4175;78-3155;79-3431;80-177;
.251(b)(1)[Job made sling]	#77-3358(RC);
.251(b)(3)[Makeshift hooks]	#4175;6526;76-1513;
.251(c)(1)[Spec. for wire slings]	#78-5492;
.251(c)(2)[Protruding ends]	#79-2658;
.251(c)(3)[Wire not secured by knots]	#1151;3438;3735;12067(RC); 15631(RC);15699(RC);
.251(c)(4)(iii)[Forming eyes]	#78-3155;
.251(c)(4)(iv)[Wire w/broken strands]	#9990;79-2379;
.251(c)(5)[Use of wire clips]	#916;1888;1889;2097;3735;5106; 6902;7444;12577;15094(RC);15757 (RC); 77-1334(RC);78-3155;79-2379;

STANDARDS (Cont.)

29 CFR 1926.251(c)(5)(i)[U bolt as eye splice]	**#12067(RC);**
.251(d)(2)(iii)[End tails trimmed]	#1037;
.251(e)(1)[Marking synthetic slings]	#435;
1926.252(a)[Chute for waste]	#810;860;2414;3042(RC);3271(RC); 3344(RC);3552;8908;9507(RC);9881; 10116;
.252(b)[Debris dropped w/o chute]	#860;6007(RC);
.252(c)[Remove debris]	#567;3552;3593;3900;5469; 79-3951;79-4038;
Useable material not debris	#810;

SubpartI[Tools-Hand & Power]

1926.300(a)[Condition of tools]	#3391;77-3693;
.300(b)(1)[Power tools guarded]	#79-4546;
.300(b)(2)[Belts, etc., guarded]	**#146;1208;2426;4777;8727;10232; 10932(RC);12401;76-323;76-358 (RC);76-4149;76-4668;77-3803; 79-538;79-5729;80-1987S;80-3369; 80-4979;**
1926.301(c)[Mushroom head on impact tool]	**#12067(RC);**
.301(d)[Condition of tool handles]	**#76-2858;**
Personal tool	**#79-25;**
1926.302(b)(1)[Securing tool to air hose]	**#3301(RC);16193(RC);79-3683;**

STANDARDS (Cont.)

29 CFR 1926.302(b)(4)[Compressed air over 30 psi]	#10127;
.302(b)(7)[Safety device on air hose]	#5390;5946;6644;8101;10127; 14456(RC);78-2423;78-4672; 79-3683;80-2474;80-3694;80-6482;
.302(e)(1)[Training of power tool op.]	#13615;77-4310;78-3234;
.302(e)(4)[Power tool eye prot.]	#79-863;79-2899;
.302(e)(5)[Loading power tool]	#1806;76-2748(RC);
.302(e)(6)[Loaded tool unattended]	#76-2748(RC);79-2899;
.302(e)(11)[Guarding power tool]	#76-4169;
.302(e)(12)[Power tool meet ANSI]	#77-1999;
1926.303(b)[Guard spindle end of grinder]	#76-4507(RC);77-671;78-2965;
.303(c)(1)[Guard]	#79-25;
.303(c)(2)[Grinder work rests]	#291;6134;15631(RC);78-2965;
.303(c)(3)[Guard for cup grinder]	#637;76-2326(RC);
.303(c)(4)[Guard for port. grinder]	#13832(RC);
.303(d)	#79-25;
1926.304(f)[Woodworking tools meet ANSI]	#920;2516;3865;4299;5111(RC); 11171(RC);14886(RC);78-4257; 78-5348;80-914;

Subpart J[Welding & Cutting]

29 CFR 1926.350 (1910.252 equivalent) [Gas welding]	#224;
.350(a)(1)[Valve protection caps] (See 1910.252(a)(2)(iv)(c))	#294;572;637;701;1038; 1127;1165;1858(RC);1956;1990; 2006;2097;3279;11543;12067(RC); 14748(RC);77-3645;78-4537;
"Available for use" discussed	#76-2326(RC);
Not applicable to 60 lb. cylinder	#78-6012;
Only app. to cylinders designed for caps	#78-6012;
.350(a)(2)[Cylinders hoisted]	
.350(a)(4)	#77-3645;
.350(a)(7)[Securing cylinders]	#530;597;1690;12767(RC);78-972;
.350(a)(8)[Close valve when not in use]	#572;
.350(a)(9) [Secure gas cyl.]	#133;294;503;557;573;597;810; 1127;1128;1165;1715;1722;1858(RC); 1953;1956;1990;2006;3279;3476; 3772;4220;5064(RC);5104;5740(RC); 6015;6048(RC);8116;8424;8505;8824; 12067(RC);12296;12434(RC);12720; 13013;13795(RC);14748(RC); 15094(RC);77-3878(RC);78-4537; 79-2548;79-2658;79-3951;79-4038; 79-4733;79-6783;79-7035;79-7127; 80-1783;80-6325;
.350(b)(3)[Cylinder valve end up]	#79-4787;

STANDARDS (Cont.)

29 CFR 1926.350(b)(4)[Cylinder not in confined space]	#1740;7290(RC);
.350(c)(1)[Cylinder not used as support]	#503;
.350(d)[Teach safe use of gas]	#12067(RC);
.350(d)(2)[Valve opened slowly]	#8116;
.350(f)	#13875;
.350(f)(3)[Hoses inspected]	#78-2965;79-7127;
.350(f)(6)[Ventilated storage]	#76-2326(RC);
.350(f)(7)[Hoses etc. in aisles]	#2097;8116;76-2326(RC);79-5642;
.350(h)[Gauges working order]	#13615;78-2965;
.350(j)[Additional rules] Not deminimis	#7003;8116;13875(RC);15094(RC); #76-1480(RC);80-1783;80-2474; 80-6325;
Storage defined	#13615;
Vague	#15230(RC);
1926.351(b)(1)[Welding cable type]	#1592;78-2965;
.351(b)(2)[Condition of cable]	#1690;76-934;
.351(b)(3)[Splicing cable]	#2097;
.351(c)(5)[Welding machine grounding]	#4808;13875;

STANDARDS (Cont.)

29 CFR 1926.351(c)(6)[Ground inspected]	#1690;
.351(e)[Shielding]	#378;13798;77-834;79-25;
1926.352(b)[Precautions re immovable obj.]	#6053;
.352(d)[Fire ext. available]	#744;2031;8116;10341;13795(RC); 14275(RC);77-834;79-4038;
.352(e)[Need for fire guards]	#6053;
.352(i)[Welding drums]	#76-783;76-854;
1926.353(b)(1)[Welding in confined spaces]	#7290(RC);79-313;
1926.354(d) Duplicative of 55(a)	#78-6001;

Subpart K[Electrical]

1926.400[Electrical, general]	
.400(a)	#146;412;1615;2462;4654(RC);6076; 7400;8116;16184(RC);79-1360; 79-2899;79-3304;79-5933; 80-1224(RC);80-5556; 80-5714;
110-17(a)[Grounding]	#5419;76-1473;78-3031;79-3163;
110-22[Identity disconnect]	#2097;
230-73	#79-3163;
250-42(a)[Ground metal]	#6303;

STANDARDS (Cont.)

29 CFR 1926.400(a) (Cont.)

250-59(b)[Grounding cord]	#2097;
300-15(b)	#79-538;
305[Temporary wiring]	#2097;3409;14721;
310-1(b)[Insulate conductor]	#2097;
320-5[Support for conductor]	#2097;3409;14516;14721;
320-6(a)[Separation open cond.]	#2097;
370-5[Box in damp location]	#4986;
370-7[Protect cond. entering box]	#78-11;
373-5a	#78-3031;
400-4	#80-2591;
400-10	#79-4546;
410-52(d)[Exposed current carrying part]	#2097;
410-55(a)[Grounding prong]	#2097;
.400(b)[Regs. apply to] Transmission lines defined	#207(RC);
.400(c)(1)[Protect employees]	#207(RC);406;1616;1760;1827;2565;2763;4872;8387;10274;13244(RC);14280(RC);15923;77-91;77-2711;77-3567;77-3693;78-2760;78-3145;78-3374;78-3514;79-3304;79-3624;79-5933;79-5984;79-6899;79-4978;80-6325;

STANDARDS (Cont.)

29 CFR 1926.400(c)(1) (Cont.)

Arc welder not covered by	#78-4537;
"Other means" what are	#532(RC);
Temporary barrier not accepted	#441(RC);
.400(c)(2)[Check before working]	#406;1760;8387;78-3374;78-3514; 78-5450(RC);79-3837;80-5556;
.400(g)(i)[Lockout energized circuits]	#1299;13244(RC);79-2973;
.400(h)(1)[Ground fault protection]	#77-2693;78-3234;79-25;79-538; 79-826;79-1360;79-2129;79-2899; 79-3060;79-3067;79-3323;79-4193; 79-6674;80-1025;80-2492;80-2985; 80-4029; 80-4245;80-4979;80-5088S; 80-5714;80-6924;80-7276;81-27; 81-226; 81-1227;81-1524;
.400(h)(3)	#78-5327;79-33;79-3163;80-2809S;
.400(h)(3)(vii)	#80-2809S;
1926.401(a)(1)[Ground nonenergy metal]	#433;1036;2925;3109(RC);3217;3391; 3438;4681;11554;76-2677(RC); 78-3031;78-6252;79-33;79-5033; 80-2985;80-3265;80-3455; 80-4245; 80-5714;81-1227;
Tool removed from service	#433;
.401(b)[Ground nonenergy metal]	#503;
.401(c)[Effective grounding]	#2087;2097;4986;11884;12892(RC); 76-4754(RC);78-3094;79-1360; 79-7035;79-7127;80-1109;80-3921; 81-1227;
.401(f)[Extension cords]	#412;701;5469;80-3265;

STANDARDS (Cont.)

29 CFR 1926.401(h)[Temporary wiring]	#3086;77-2693;78-979;78-6148; 79-2379;79-4473;80-1783;80-2591;
.401(i)[Const. site wiring]	#810;1126;3865;
.401(j)(1)[Guards for temp. lights]	#224;503;557;637;1127;1165;1995; 3900;9896;76-1473;78-3031;79-3624;
.401(j)(2)[Cords for temp. lights]	#224;78-6254;79-2209;79-2379; 80-1745;
.401(j)(3)[Cord in workspace]	#810;3086;79-2548;79-3624;
.401(j)(4)[Port. light in damp area]	#224;14305;14765; 76-4153(RC);
1926.402(a)(1)[Plug receptacle]	#12067(RC);13795(RC);
.402(a)(4)[Plug, type]	#224;2097;
.402(a)(5)[Cord, no splice]	#2097;6007(RC);6134;8824; 12067(RC);
.402(a)(8)[Protect cord in work area]	#3481;4028;4968;10116;76-1803(RC); 76-1992(RC);76-2385;79-538; 80-914;80-2387;80-3265;80-6325;
.402(a)(9) Clampon not hand lamp	#78-3031;
.402(a)(10)[No worn cord]	#8116;12067(RC);
.402(a)(11)[Protect cord]	#810;76-2748(RC);80-914;80-3109;
.402(a)(12)[How not to hang cord]	#6134;

STANDARDS (Cont.)

29 CFR 1926.402(c)(1)[Disconnect marked]	#503;8116;10274;76-4219;
Circuit breaker near equipment satisfies	#15523(RC);
.402(c)(3)[Disconnect box secured]	#3016;3279;78-1600;79-4038;
.402(d)(1)[Transformers]	#5740(RC);
1926.403(a)(5)[Prot. for battery handler]	#76-4169;
1926.404(b)[Components must be UL]	#76-4507(RC);77-3412;

Subpart L[Ladders & Scaffolding]

1926.450(a)(1)[Ladders]	#631;702;1607;2213;4047;4141;4965;4998;6052;6644;7792(RC);8424;10501;13013;13615;15094(RC);77-979;77-1118(RC);77-1753;77-3645;77-4089;77-4310;78-2558;78-3775;78-3899;78-4999;79-1420;79-2774;79-5050;79-5553;80-3494;80-4369;80-5271S;Roanoke;
Not vague	#3735(RC);16184(RC);76-4507(RC);National;
34" step is de minimis	#78-4161;
.450(a)(2)[Rungs]	#494;557;810;1209;2097;3481;4058;4717;5008;6908;7240;12067(RC);77-1925;80-2591;80-3265; 81-1378;
.450(a)(3)[Portable wood ladders]	#12136(RC);
.450(a)(4)[Portable metal ladders]	#681;
.450(a)(5)[Fixed ladders]	#524;8128(RC);13615;13676;13730(RC);14991(RC);76-4507(RC);78-1023;78-2830;78-4960;78-4999;80-3295;80-4305;80-6687;
"Permanently" discussed	#78-4231;

STANDARDS (Cont.)

29 CFR 1926.450(a)(6)[Feet on port. ladder]	#494;2097;6052;7371;11127(RC);
.450(a)(7)[Angle of ladder incline]	#425;1262;1807;5782(RC);77-1925;
.450(a)(9) [Ladder side rails]	#146;693;702;1114;1284;1690; 1715;1722;1807;3042(RC);3068; 3223;3701(RC);3948;4141;4179; 4408;4654(RC);4679;4681;4776; 4968;5419;5627;5782(RC);6052; 6145;6146;8116;8824;9806(RC); 9820;10116;11050;16235(RC);76-357; 76-4219;(RC);77-979;77-1901; 77-4139;78-1681;78-2830;78-4672; 79-4707;79-4803;79-5359;80-473; 80-1765;80-2850;80-3265;80-3462; 80-4035;80-6003;80-7045; 81-954S
.450(a)(10)[Blocking ladder]	#146;211;345;494;503;715;754; 1807;2007;2023;2097;2516(RC); 3344(RC);3811;4286;4717;5776; 5782(RC);6064;6076;6145;6795; 7690(RC);7862;8116;9806(RC); 10116;11050;13875;76-357;76-1513; 76-1892;77-979;77-3773;77-4089; 78-2658;78-3224;79-6671;80-473; 80-3162;80-3462;80-3921;80-6003; 80-6074; 81-1378;
"Secure" includes man holding	#15439(RC);
"Secure" includes sinking feet into ground	#78-3155;
.450(a)(11)[Port. metal near elec.]	#83;789;6795;8387;8560;80-4414;
.450(b)(1)[Job-made ladder]	#5627;
.450(b)(3)[Single cleat ladder]	#1453;
.450(b)(5)[Side rails]	#146;
.450(b)(10)[Spec. for cleats]	#77-3597;

STANDARDS (Cont.)

29 CFR 1926.450(b)(12)[Cleat construction]	#146;219;412;899;1114;1750;5743; 11050;12136(RC);79-797;80-3462;
1926.451(a)(1)[Scaffolding]	#557;3895;8168;14123;
.451(a)(2)[Footings]	#504;506;666;715;1557;2829;6528; 10792;15464;15785;78-5644;79-4909; 80-520;
.451(a)(3)[Erection supervised]	#5310;
.451(a)(4) [Guardrails]	#146;219;494;503;506;585;609;644; 666;690;715;754;765(RC);899;983; 1049;1375;1557;1616;1626;1670; 1715;1722;2042;2068;2565;2610; 2829;3518;4295;5006;5074;5104; 6134;6528;6908(RC);7690(RC);7933; 8215;8299;8685(RC);10333;10623; 10792;11626;12351;12508;13746(RC); 13874(RC);15370;76-1512(RC);76-4429; 76-4987;76-5049(RC);77-2097;78-3155; 78-5644;79-2735;79-2928;79-4221; 79-4335;79-4449;80-520;80-898; 80-2850;80-3803S; 80-4245;80-5271S; 81-264; 81-1272;81-1366(RC);
Not app. to manually propelled mobile platforms	#11752;
Not required on narrow plank	#78-3853;
.451(a)(5)[Guardrail spec.]	#2565;3507;6006;6007(RC);8215; 79-538; 81-1272;
Equivalent	#13646(RC);
.451(a)(6)[Screening]	#609;3086;12527;15381(RC);15785;
.451(a)(7)[Weight supported]	#504;765(RC);1262;1482;3507;
.451(a)(8)[No damaged material used]	#666;765(RC);1482;1557;3078;6080; 12525(RC);14080(RC);
.451(a)(10)[Lumber grade]	#524;1049;3507;

STANDARDS (Cont.)

29 CFR 1926.451(a)(12)[Planks overlapped]	#494;506;585;666;1626;8215;10623; 15757(RC);78-11;
.451(a)(13)[Access ladder]	#690;1046(RC);1111;1209;1616;1624; 1715;1722;2607;3028(RC);3322;3507; 4182(RC);6080;10623;12200(RC); 15785;76-1512(RC);76-4271;77-1925; 77-2115(RC);77-2331; 78-204(RC); 78-304;78-3094;79-1381;79-2780; 80-1224(RC);80-5537;
De minimis	#15428(RC);76-267(RC);76-3944(RC); 78-797;79-6048;
Equivalent means of access	#5574;12200(RC);76-267(RC); 76-1819;
"Provided" means use	#14516(RC);76-814(RC);
Scaffold not equivalent & safe access	#76-3944(RC);
.451(a)(14)[6" extension]	#285;585;1626;2607;3713;6528;8215; 8824;14516(RC);15370;15785;76-1512 (RC);76-3944(RC);80-5537;
.451(a)(15)[Supports]	#285;506;585;1616;1626;3322; 4224(RC);7933;8374;
.451(a)(16)[Overhead protection]	#524;1049;3322;80-3896;
.451(a)(17)[Nonslip surface]	#609;81-264;
.451(a)(18)[No flames on rope hung]	#524;
Vagueness	#76-1703;
.451(b)[Support bearing]	#666;3895;
.451(b)(7)[Ledger placement]	#666;
.451(b)(11)[Platform floor tight]	#146;3948;

STANDARDS (Cont.)

29 CFR 1926.451(b)(12)[Lapping]	#8374; 81-1366(RC);
.451(c)(13)[Changing direction]	#754;2114;3279;8969;10268(RC); 77-1698;78-304;
.451(c)(15)[Midrails & toeboards]	#3322;
.451(d)(1)[Tubular support 4 times rate load]	#5134;
.451(d)(3)[Bracing]	#1626;10792;15464;78-3022;
.451(d)(4)[Legs support load]	#1612;1626;76-4994(RC);79-2780;
.451(d)(7)[Secured to bldg.]	#1626;6528;8374;9597;15464;15785; 77-2331;80-520;
Brief exposure not viol.	#79-1467;
.451(d)(10)[Midrail & toeboard]	#1358;3901(RC);3948;4968;5134; 5240;6080;9596;9597;10268(RC); 10309;13691;15464;15785; 76-2154(RC);76-4173(RC);76-4271(RC);77-2331;77-2848;77-3646; 77-4310;78-656;78-2666;78-4178; 78-4924;79-416;79-826;79-2053; 79-2176;79-3438;79-4262;79-5050; 79-6048;79-6671;80-2591;80-4035; 80-4460;80-4492;80-4979;80-5537; 80-6074;80-6331;
Equivalent protection discussed Burden of proving on R	#16193(RC);
"Ground or floor" Scaffold level not	#77-218;
No violation during dismantling	#79-1467;
Open defined	#13538(RC);16193(RC);
14' fall is serious	#79-968;

STANDARDS (Cont.)

29 CFR 1926.451(e)[Manually propelled]	#754;
"Caster"	
Wheel substitute for	#76-2748(RC);
.451(e)(1)[Height 4 times base]	#754;3713;5247;
.451(e)(2)[Caster design]	#3518;5985;
.451(e)(3)[Bracing]	#1111;79-1081;
.451(e)(4)[Tight planking]	#5985;12067(RC);76-4507(RC); 79-1081;80-1151;80-2591;80-4128;
.451(e)(5)[Access ladder]	#5985;12589(RC);78-5732;79-4335; 80-2591;
.451(e)(7)[No riding unless]	#3713;
.451(e)(8)[Base for]	#3713;76-2748(RC);
Hazard must be established	#2097;79-4335;
.451(e)(9)	#79-4335;
.451(e)(10)[Guardrail & toeboard]	#1111;3086;3713;5985;12067(RC); 12751;76-2748(RC);76-5089(RC); 78-5732;79-4591;80-1151;80-2591;
Fall distance det. by distance to arresting surface	#7542(RC);76-5271(RC);
.451(f)[Work platforms]	#79-7035;
.451(g)(1)[Outrigger scaffold beams]	#773;899;
.451(g)(2)[Beam inboard end anchored]	#504;773;899;
.451(h)(4)[Suspension have beams anchored]	#13502(RC);

STANDARDS (Cont.)

29 CFR 1926.451(h)(13)[Overhead protection]	#5190;
.451(i)(1)[2 point suspension width]	#557;702;
.451(i)(2)[Spec. for hangers]	#702;899;
.451(i)(3)[Hoisting machine design]	#565;
.451(i)(4)[Spec. for anchorage]	#5310;5727;14036(RC);14080(RC); 79-4021;80-4633;
.451(i)(5)[Spec. for suspension system]	#565;702;
.451(i)(7)[Insp. of ropes]	#1624;
.451(i)(8)[Number of men on]	#226;702;773;899;983;1046; 1087(RC);1262;1624;2052;2825;3617; 4006;4319(RC);5287;5310;5727; 7509(RC);7775;8168;9743;12174(RC); 14036(RC);14080(RC);76-322;77-2100 (RC);79-4324;80-268;80-4633;
.451(i)(9)	#14080(RC);
.451(i)(11)[Guardrail & toeboards] Not vague	#557;702;1046; #1087(RC);79-4222
"Open sides and ends" Not ambiguous	#1087(RC);
.451(k)(8)[Single point suspension]	#13502(RC);76-2210;
.451(k)(9)[Guardrail & toeboards]	#76-2210;
.451(k)(10)[Add'l. details]	#1046;

STANDARDS (Cont.)

29 CFR 1926.451(l)(1)[Spec. for boatswain's chair]	#76-807;
.451(l)(4)[Safety belt & lifeline]	#1113;76-807;
.451(m)(1)[Spec. for carpenter's bracket]	#7792(RC);
.451(m)(2)[Bracket spacing]	#609;
.451(m)(6)[Spec.for guardrails]	#76-3105;
.451(o)(7)[Horsebracket guardrails etc.]	#7542(RC);
.451(p)(1)[Spec. for needle beam scaffold]	#1624;
.451(p)(5)[Space between needle beams]	#1624;
.451(p)(6)[Planks secured]	#1624;
.451(p)(7)[Containers]	#80-1420;
.451(p)(9)[Safety belt & lifeline]	#1624;
.451(r)(3)(i)[Spec. for interior scaff.]	#1482;
.451(s)(4)	#79-2735;
.451(s)(5)[Guardrail & toeboards]	#7690(RC);79-2735;
.451(u)(1) [Vague][Roof brackets]	#211(RC);

STANDARDS (Cont.)

29 CFR 1926.451(u)(3)[Catch platforms]	#211;345;524;1796;2459; 15919(RC);
Applies to roof slope greater than 4" in 12"	#14968(RC);76-357;
Validly promulgated	Nat. Roofing;
.451(w)(5)[Rope for ship scaff.]	#524;
.451(w)(6)[Safety belt & lifeline]	#524;1731;
.451(x)(5)(iv)	#80-6687;
.451(x)(5)(v)[Metal bracket form jock]	#77-4089;
.451(y)(11)[Pump jack guardrails]	#11171(RC);

Subpart M[Floor & Wall Openings & Stairways]

1926.500[Guardrails, handrails & covers]	#60;1971;2213;
.500(a)[General]	#111;1536;
.500(b)[Guarding floor holes]	#60;111;2039;3029;3776; 4448;
.500(b)(1) [Floor opening railing]	#146;294;364;425;573;621;673; 674;810;1036;1037;1130;1157;1165; 1207;1225;1265;1286;1536;1584; 1598;1715;1722;1858(RC);1955(RC); 1971;1973;1995;2023;2087;2097; 2213;2232;2281;2287(RC);2355; 2426;2524;2656;2917;3507;3816; 3826;3900;4044;4141;4296;4453; 4679;4760;4773(RC);5057;5064(RC); 5111(RC);5356(RC);5627;5776;5926; 6076;6303;6308;6495;7737;7792(RC); 8094;8468(RC);8908;9597;9685; 10108;10116;10274;10341;11873;

STANDARDS (Cont.)
29 CFR 1926.500(b)(1) (Cont.)

	#12153;12176;13801;15150;16264; 76-181(RC);76-982(RC);76-3103(RC); 76-4507(RC);78-11;78-50(RC); 78-846(RC);78-1363;78-1681; 78-2965;78-3234;78-3535;78-3899; 78-5229;78-5997;79-25;79-372; 79-538;79-2215;79-2256;79-2548; 79-2899;79-3951;79-4058;79-4982; 79-5785;79-7060;80-923;80-1745; 80-2232;2584S;80-2809S;80-3109; 80-3808S;80-4859;80-5288S
Access to hazard must be est.	#76-402;
Floor opening dist. from wall opening	#688(RC);1225;
11" hole will admit foot	#76-2326(RC);
.500(b)(1)[Floor openings]	#76-4507(RC);80-3708;80-4029; 81-954S;
.500(b)(2)[Ladderway opening]	#60;559;1434;1466;2023;4141;4679; 4815;6064;6759(RC);11259(RC); 76-982(RC);76-2902(RC);76-4507(RC); 77-3597;78-3155;79-2780;80-2584S; 80-3462;80-6687;
.500(b)(3)[Hatchways etc.]	#76-982(RC);77-3652;
.500(b)(4)[Guarding skylight]	#1434;1466;1930;4079;5284;5925; 80-5124;
.500(b)(5)[Guarding pits, etc.]	#11494;13874(RC);
.500(b)(7)[Railings for temp. opening]	#1038;3701(RC);76-3891;77-3652; 79-2638;79-3032;
.500(b)(8)[Guarding floor holes]	#146;154;239;494;573;1127;1165; 2023;2097;2426;3271(RC);3772;3816: 4224(RC);4239;5776;6048(RC);6076; 6303;8055;9685;10274;10341;

STANDARDS (Cont.)

29 CFR 1926.500(b)(8) (Cont.)

	#11127(RC);13832(RC);13869;16264;76-2902(RC);78-3535;79-25;79-3368;79-3624;80-1452S;
Care req. in walking not defense	#76-2326(RC);
.500(c)(1)[Guarding wall openings]	#557;1225;1598;1715;1722;2097;2431;3271(RC);4968;5469;5627;8096(RC);8468(RC);9685;12757(RC);13875(RC);15150;76-2748(RC);78-4257;78-4823;78-5328;78-5556;79-2899;79-3624;80-1740S;80-7356;
Temporary barricade	#688(RC);
.500(c)(2)	#11175(RC);80-7045;
.500(d)(1) [Perimeter guarding]	#146;147;221;294;302(RC);320;364(RC);503;532;567;606;621;657;667;673;674;681;690;810;860;963;1102;1114;1126;1127;1165;1286;1295;1307;1367;1382;1396;1598;1715;1722;1740;1858(RC);1901;1955(RC);1980;1991;1995;2011;2023;2039;2068;2097;2150;2213;2232(RC);2264;2347;2425;2426;2516(RC);2537;2579;2693;2815;2856;2939;3022;3028(RC);3029;3042(RC);3097;3217;3258(RC);3279;3507;3552;3556;3593;3694(RC);3701(RC);;3725;3776;3946;3948;4000;4028;4034;4044;4140;4175;4179;4196;4224(RC);4291;4296;4299;4356(RC);4386;4498;4543;4598;4626(RC);4679;4760;4808;4815;4965;5011;5057;5064(RC);5104;5159;5190;5192;5293;5469;5750(RC);5776;5925;5989;6007(RC);6008;6064;6146;6303;6528;6853;6972(RC);6988;7065;7371;7377(RC);7460;7792(RC);7862;7909(RC);7933;7935;8101;8293;8726;8908;9226;9293;9507(RC);9739(RC);9760;10033;10108;10116;10203;10274;10333;10383;10650;10659;10798(RC);11027;11029;11127(RC);11222;11232;11259(RC);11494;11503;11641;11774(RC);11871;11873;11884;12130;12136(RC);12176;12328;12355;

STANDARDS (Cont.)
29 CFR 1926.500(d)(1) (Cont.)

	#12395;12525(RC);12696(RC);12717; 12775;12939(RC);13106;13676;13795; 13801;13839;14968(RC);15314(RC); 15350(RC);15685;16059(RC);16062(RC);16110(RC);16147(RC);16184(RC); 76-2677(RC);76-2902(RC); 76-3103(RC);76-3891;76-4219(RC); 76-4267;76-5203(RC);77-314;77-834; 77-2693;77-3597;77-3772(RC); 78-11;78-1681;78-3234;78-3678; 78-3775;78-3979;78-4257;78-5229; 78-5327;78-5328;78-5348;78-6252; 79-305;79-372;79-2379;79-2445; 79-2658;79-3032;79-3163; 79-3189;79-3231;79-3431;79-3669; 79-3840;79-4038;79-4193;79-5270; 79-5275;79-5359;79-5539;79-5553; 79-5785;79-6783;79-7060; 80-219;80-273;80-1268;80-2075; 80-2232;80-2584S-80-2591; 80-2809S;80-2985;80-3265;80-3462; 80-3708;80-3808S;80-3896;80-3921; 80-4220;80-4822;80-4979;80-7045; 80-7267S;81-226;81-658;81-805; 81-1227;Dic-Underhill;
Applies to bridges	#76-1498;
Applies to concrete const. work	#3257;
Barrier temporarily removed	#610;1267;
Elev. top not open sided floor	#13140(RC);
Equivalent defined	#4537(RC);
Flat roof not covered	#8173(RC);8525(RC);13064(RC); 79-1420;Langer;Diamond;
Gravity of	#1208;1265(RC);1345(RC);
Guard defined	#725;

STANDARDS (Cont.)

29 CFR 1926.500(d)(1) (Cont.)

Guarding not required until deck completed	#4870;9467;78-1483;
Includes slight slope	#983(RC);
Metal banding as	#8254;
Penalty for	#5589(RC);
Presupposes hazard	#15579(RC);
Safety line not barrier	#13569(RC);16218;
Standard railing is physical barrier	#4537(RC);
Steel erection not covered by	#5111(RC);5221(RC);10411;
Structural steel frame erection	#78-1853;
Temporary floors not covered by	#5221(RC);
Two story house not multi-storied bldg.	#76-404(RC);
.500(d)(2) [Runway railing]	#1715;1722;2864;3279;5064(RC); 5307;5740(RC);7420;8685(RC); 13474(RC);I4300(RC);76-2154; 76-4169;76-4507(RC);78-797; 78-1202;78-1363;78-2965;79-4989 (RC);80-1745;80-2075;80-2591; 80-4561;
Substantial compliance with	#76-2167;
.500(d)(4)[Machinery on runway]	#76-2258;

STANDARDS (Cont.)

29 CFR 1926.500(d)(5)[General guarding]

Dangerous equipment defined	#76-914;76-3942(RC);
.500(e) [Stair railing]	#133;146;147;294;494;1127;1165;1715;1722;1995;2097;2431;2524;3552;3694(RC);4808;5011;5104;6076;8424;10033;10798(RC);11222;11232;12176;79-4193;80-3265;Bratton
.500(e)(1)(ii)[Open sided floor]	#3271(RC);3279;3946;5002;5469;15150;78-3676;78-5705;79-4543;80-1745;80-3063;80-3462; 81-1227;
.500(e)(1)(iii)[Both sides open]	#412;1345;2213;2287;4140;7400;7792;8824;9685;79-25;79-2256;80-1162S;80-2232;80-3241; 80-4245;81-1907;
.500(e)(1)(iv)[Stair over 44" wide]	#1971;3865;5111(RC);7792(RC);8908;9222;11774(RC);76-1930;77-3652;78-5997;79-305;79-5270;79-5539;79-5553;79-5785;79-7060;80-4245;80-4859;
.500(f)(1)[Spec. for railing]	#1536;2287(RC);2815;13875(RC);16059(RC);79-2899;79-5785;80-3265;
Rope or cable as	#690;
.500(f)(1)(iv)[Anchoring posts]	#76-260;76-3103(RC);76-4507(RC);78-3535;79-2514;80-914;80-4220;
Burden of testing for inadequacy	#77-834;
.500(f)(1)(vi)[Other railing const.]	#8254;12525(RC);
.500(f)(1)(vi)(b)	#79-538;
.500(f)(2)	#77-3652;

STANDARDS (Cont.)

29 CFR 1926.500(f)(5)(i)[Cover support carrying cap.]	#597;
.500(f)(5)(ii)	#1130;5356(RC);6495;79-819; 80-3462;
.500(f)(6)[Skylight openings]	#81-954S
.500(f)(7)(i)[Barrier hold 200 lbs.]	#2288;79-2224;
.500(g)(1)[Guarding]	#81-954S

1926.501[Stairway]

.501(b)[Railing & guardrail spec.]	#133;503;1367;5221(RC);6308; 10274;76-3677(RC);78-5327;78-5328; 78-5348;
.501(c)[Hazardous projections]	#2097;3552;3593;80-1224(RC);
.501(d)(1)[Debris]	#3271(RC);3552;12525(RC);77-2693;
.501(f)[Fill hollow treads]	#412;1971;4239;4760;6308;8908; 9685;78-3676;78-5328;79-2256; 79-5270; 80-4245;80-4859; Bratton;New Eng.T&T;
.501(i)[Landing for temp. stairs]	#11232;
.501(k)[Uniform risers & tread]	#15579;
.501(l)[Lighting]	#781;

Subpart N[Cranes, Derricks, Hoists, Elevators & Conveyors]

1926.550(a)(1)[Cranes & derricks]	#916;1416;1690;4290(RC);6802; 12176;12971;80-4220;
Applies to machines that lift	#76-1513(RC);

STANDARDS (Cont.)
29 CFR 1926.550(a)(1) (Cont.)

Front end loader used to lift	#76-1513(RC);
Serious	#78-3155;
1926.550(a)(2)[Posting capacity]	#934;9990;15579;76-1498(RC); 77-4471;81-109;
Backhoe not a crane	#6759(RC);
Reversed	#76-1513(RC);
.550(a)(4)[Hand signals]	#406;1607;2214;8766;8834;
.550(a)(5)[Inspection by comp. ind.]	#549;832;1690;4267;4290(RC); 15699;77-4471;81-109;
Designate, what satisfies	Gerosa
.550(a)(6) [Record of inspection]	#503;549;680;934;1157;1320;1607; 1690;2214;4179;5627;6015;6759(RC); 8834;13801;16184(RC);78-5571; 79-2658;81-109;
.550(a)(7)[Wire rope out of service]	#503;916;78-1037;80-914;
.550(a)(8)[Guard moving parts]	#406;5139;
.550(a)(9) [Barricade swing rad.]	#383;1128;1284;1320;1734; 2684;2864;3279;3533;3848; 5008;5106;5784;5926;6792(RC); 8841(RC);9559;10932(RC); 13010(RC);13220;14300(RC); 15494(RC);15538(RC);79-2209; 79-4360;79-4733;80-6717;81-109;
Accessible defined	#15428(RC);
Backhoe is not a crane	#6759;

STANDARDS (Cont.)
29 CFR 1926.550(a)(9) (Cont.)

Dragline	#77-2840(RC);
Lifting functions of crane	#76-4094(RC);
Mounted crane defined	#14748(RC);
Not otherwise protected	#3235(RC);
Not vague	#5692(RC);
Oiler no substitute for barricade	#76-1703;Concrete;
Physical barricade required	#5692(RC);
Required during leveling operation	#14748(RC);15757(RC);
.550(a)(10)[Protect exhaust pipes]	#5139;
.550(a)(12)[Safety glass in windows]	#967;79-2658;80-7048;
.550(a)(13)(iii)[Anti-skid]	#80-3694;
.550(a)(14)(i) [Fire ext. in cab]	#680;934;1157;1320;1607;1740; 6015;8116;13875;78-2830;78-5571
Not vague	#3811(RC);76-4507(RC);79-2658; 80-4810;
.550(a)(15)[Proximity to power lines]	#1416;9058;9339;79-6913;Danco;
Insulation or barrier	#3248;

STANDARDS (Cont.)

29 CFR 1926.550(a)(15)(i)[10' from 50kv] [See 1910.180(j)(1)(i)] [Crane within 10' of elec. line]	#406;831;890;1015;1141;1320; 1362;1416;1434;1646;1759;2536; 3433(RC);3665;4210(RC);4292;4677; 5510;5632;6120;8293;10516(RC); 12184;13057;15809;16180(RC);16215 (RC);77-4471;78-85;78-4479; 80-5810; 80-6680;Ames Crane; Danco;Georgia;
Applies to all cranes	#76-1393(RC);
Cable is part of crane	#832;1128;
Hose is part of load	#15388(RC);
Insulation on wire is not barrier	#3248;
.550(a)(15)(ii)[Over 50 kv]	#1015;2536;10478;
.550(a)(15)(iv)[Observer]	#406;1015;1320;1646;15388(RC); 79-5507;
[Clearance obs.]	
.550(a)(16)[No modification]	#934;4290(RC);15769(RC);80-3694;
.550(a)(17)[Meet Assoc. std]	#76-2938(RC);
.550(b)(1)[Crawler, etc. crane booms]	#3848;13389;
.550(b)(2)[Meet ANSI spec.]	#435;832;967;1362;1363;1373; 2044(RC);3735;3811;4675(RC); 4792;6120;9990;10556;11873;12031; 13801;15538(RC);76-405(RC);76-471; 76-1308;78-1037;78-3825;78-5571; 78-5795; 78-5956(RC);79-4449; 80-7276S; 81-920;
Backhoe not a crane	#6759(RC);80-3694;

STANDARDS (Cont.)
29 CFR 1926.550(b)(2) (Cont.)

Headache ball part of hook	#3561;15538(RC);
Objects falling from crane	#76-406(RC);76-2894(RC);
.550(c)(2)[Prot. employee on hammerhead]	#11175(RC);
.550(c)(5)[Spec. for hammerhead crane]	#15579;76-2042;
"In use"	#78-854;
.550(d)(2)[Bridge trucks on gantry crane]	#3848;
.550(d)(4)[Meet ANSI spec.]	
Load defined	#4809(RC);
.550(e)[Derricks meet ANSI]	#2097;77-3021(RC);
.550(f)(1)(ii)	#78-4537;
.550(f)(1)(iv)[Secure crane on barge]	#76-1567(RC);76-2695;
1926.552(b)(1)(i)[Prot. hoistway ent.]	#494;2042;2068;5572(RC);
.552(b)(1)(ii)[No riding material hoist]	#2042;2260;6015;10232;79-2270;
.552(b)(2)[Gates at hoistway]	#494;1225;1333;2068;2287;2829; 4224(RC);4408;5572(RC);8094; 10274;20232;76-2902(RC);78-1202;
.552(b)(2)(i)(ii)[Spec. for bars, etc.]	#2068;8055;8096(RC);

STANDARDS (Cont.)

29 CFR 1926.552(b)(3)[Overhead prot.]	**#401;585;2068;3279; 4224(RC);5572(RC);10274;**
.552(b)(4)[Operator protection]	#494;2829;5572(RC);
.552(b)(5)[Enclosed hoist tower]	#319;401;5572(RC);
.552(b)(5)(ii)[Open v. closed cage]	#319;401;2042;2068;3279;4224(RC); 10274;78-1202;
.552(b)(6)[Car arresting device]	#827;1207;
.552(b)(8)[Mat. hoist meet ANSI]	#827;77-1609;78-1202;
.552(c)[Personnel hoist]	
Variance of	#11499;79-3438;
.552(c)(2)[Tower inside structure]	#2287(RC);
.552(c)(3)[Tower anchoring]	#15581;
.552(c)(4)[Dimension of gate]	#11884;79-2514;81-1015;
.552(c)(5)[Cars enclosed]	#494;
.552(c)(6)[Entrance door or gate]	#76-2508;79-3438;
.552(c)(7)[Overhead protection]	#494;
.552(c)(8)[Door with elec. contact]	#77-1765;79-3438;
.552(c)(10)[Plate re capacity]	#1184(RC);
.552(c)(15)[Inspect & test before use]	#6303;80-1224(RC);

STANDARDS (Cont.)

29 CFR 1926.552(c)(16)[Meet ANSI]	#77-1765;
1926.555(a)(1)[Conveyors, stopping of]	#5630;
1926.556(b)(2)(v)[Belted in lift basket]	#4318;10859;16162(RC);79-2328;
Aerial lift defined	#76-119(RC);80-520;
Working defined	#15769(RC);
.556(b)(2)(ix)[Controls on boom]	
Not vague	#8501(RC);
Subpart O[Motor Vehicles, Mech. Equip. & Marine Op.]	
29 CFR 1926.600(a)(3)(i)[Blocking heavy load]	#2782;3154;11236;
.600(a)(3)(ii) (Set parking brake or choke)	#5692(RC);
Only applies to mech. propelled veh.	#5692(RC);
.600(a)(6)[Equip. comply w/1518.550(a)(15)]	#9058;10516(RC);76-191(RC); 76-192(RC);77-3668(RC);
Equipment defined	#10604;
1926.601(b)(2)[Vehicle lights]	#133;
.601(b)(3)[Audible warning]	#1036;7933;
.601(b)(4)[Observer signals]	#79-4594;80-6482;81-175;

STANDARDS (Cont.)

29 CFR 1926.601(b)(4)(i) [Reverse alarm]	#133;285;585;680;893;937;1324; 1589;1592;3438;14203;76-358(RC); 76-2617(RC);Clarkson;
Use defined	#1445(RC);
.601(b)(4)(ii)[Observer]	#893;1324;76-2617(RC);
Bull dozer operator as	#133;79-5655;
.601(b)(7)[Loose tools in personnel carrier]	#15715;
.601(b)(8)[Seats in personnel carrier]	#1607;15715;77-3645;
.601(b)([illegible])[Seat belts, etc.]	#680;
.601(b)(10)[Lock for dump truck maint.]	#1359;2490(RC);76-4105(RC);
.601(b)(9)[Dump lever safeguard]	#2490(RC);2891;76-4105(RC);
.601(b)(14)[Inspection for vehicle defects]	#15573;80-6785;
1926.602(a)(2)(i)[Seat belts]	#572;8116;8823;9508;78-1080; 79-6730
.602(a)(3)[Access roads]	#8375;78-2177;
.602(a)(4)[Brake system]	#79-369;
.602(a)(8)	#78-4537;
.602(a)(9)(i & ii)[Audible alarm]	#285;1098;1734;3223;3438;9508; 13685(RC);76-4507(RC);78-797; 78-5084(RC);79-5519;80-7048; 81-1524;

STANDARDS (Cont.)
29 CFR 1926.602(a)(9)(i & ii) (Cont.)

"Bidirectional" defined	#13685(RC);
.602(a)(9)(ii)[Obstructed rear view]	#3609;6790(RC);78-2195;78-2423; 78-5492;79-5033;79-6730;
.602(a)(10)[Scissor points guarded]	#80-6785;
.602(b)(3)[Standards applicable]	#2044(RC);15494(RC);16215(RC);
.602(c)(1)(i)[Req. for industrial trucks]	#2097;78-2192;
.602(c)(1)(vi)[Trucks meet ANSI]	#2938;10792;
1926.603(a)(8)[Safety for employee aloft]	#12767(RC);
.603(a)(9)[Steam hose attachment] Cable defined	#12767(RC);
.603(c)(3)[Sloping of pile driving pit]	#3007;
1926.604(a)(2)[ROPS on site clearing equip.]	#597;967;1086;1098;3057;
1926.605(a)(1)[Marine material handling]	#11007(RC);12140;
.605(b)(2)[Bridging pier & float]	#3253;5731;13010(RC);15096; 76-4905(RC);
"Stepping safely" doesn't mean 44"	#78-4537;
.605(c)(2)[Safe cond. of docks]	#3253;;3583;5731;

STANDARDS (Cont.)

29 CFR 1926.605(d)(2)[Life ring]	#5731;11007;15096;78-4537;
.605(d)(3)[Buoyant vests]	#3253;3583;5731;12486;12969; 78-4537; 81-635;
.605(e)[Commercial diving op.]	#344;
Subpart P[Excavations, Trenching & Shoring]	
1926.650[Excavation, trenching & shoring]	
.650(a)[Condition of walkways]	#5138;
.650(b)[Planks used as walkways]	#78-85;
.650(c)[Spec. for planking]	#4136(RC);
.650(e)[Personnel protective equip.]	#1097;4106(RC);4136(RC);4776; 5324;7947;9157;79-5789;80-1765;
.650(f)[Warning vests]	#4681;9150;13094;
.650(h)[Under power shovel load]	#323;549;853;1086;1296;4136(RC); 5138;7777(RC);13094;76-191(RC); 79-192(RC);79-5989;
.650(i)	#78-3494;
1926.651(a)[Check what is underground]	#2665;2684;
.651(b)[Remove hazards before excav.]	#9157;

STANDARDS (Cont.)

29 CFR 1926.651(c)[Sloping walls]	#832;867(RC);1578;2197;2538(RC); 2969;3136;3258;3292;3427;3609; 4029;4145(RC);4172(RC);4739;4776; 6790(RC);6824;6980;7451;7454(RC); 7683;8224;8375;8448;8697;8778; 8815;9157;10537;13013;13137(RC); 13220;13874;15185(RC);16215(RC); 78-85; 78-2125(RC);78-2558; 78-4204; 79-734(RC);79-2408; 79-4449;80-4369;80-4485;80-7175S;
652 may be substituted	#4090(RC);4553(RC);76-3743(RC); Federico;
Applies to trench	#4553(RC);
"Danger from moving ground" defined	#15094(RC);
Effect of frozen ground on	#2330;
Excavation not a trench	Kent
Installed form or similar structure	#6969(RC);
Moving ground discussed	#2507;8684;
"Moving ground" must be est. Question of fact	#8684(RC);
Not vague	#78-4434;
Other sections must be read in conjunction with	#78-4565;
Table P-1 applies to all excavation	#2436;
Contra	#78-4434;

STANDARDS (Cont.)
29 CFR 1926.651(c) (Cont.)

Table P-2 est. min. req. only	Horne;
Vague & unforceable	Lockrem
Violation is question of fact requiring assessment of all facts & eval. of expert testimony	#15414(RC);
.651(e)[Angle of repose]	#2888;4553;8224;
.651(f)[Support system design]	#145;
.651(g)[Sloping]	#949;3609;3820;4145(RC);
Angle of repose defined	#2507;
.651(h)[Sloping w/water conditions]	#145;701;3414;3491;3609;4145(RC);
Flattened defined	#10929;
Not vague	Cedar;
.651(i)(1) [Piling excavated material]	#853;867;919;949;1015;1036;1086; 1394;1953;2506;2521;2538(RC);2769; 2888;3007;3292;3324;3469;3476; 3491(RC);3502;3542;3842;3847(RC); 4012;4172(RC);4309(RC);4395(RC); 4418;4601;4681;4703;4776;4878; 5137;5540;5582;5613;5692(RC);6604; 6623;6790(RC);7454(RC);7992;7246; 7373;7455;8407;8449;8697;8844; 9157;9879(RC);9990;10785; 12750(RC);12589(RC);13503(RC); 13812(RC);76-1924(RC);76-4988(RC); 78-2423;78-3337;78-3494;78-3805; 78-4367;78-5909;79-69;79-2408; 80-888;80-1049;80-1765;80-2261S; 80-3473;80-4369;80-7267S; 81-1378; Horne;Kent;

STANDARDS (Cont.)
29 CFR 1926.651(i)(1) (Cont.)

Inadequate standard	CTM;
"Stored" defined	#14157(RC);
Word "effective" is meaningless	CTM
.651(i)(2)[Alternative to above]	#7992;12589;77-1202;
.651(j)[Sides meeting eng. requirements]	#3820;77-1202;80-2087;
.651(k)[Support system planned & designed]	#3223;
.651(m)[Shoring near backfill] Separation unclear	#344
.651(p)[Diking surface water]	#15094(RC);
.651(q)[Shoring against heavy surface wt.]	#2538(RC);4145(RC);4739;4776;6308;6644;9508;10117;15685;76-4765(RC);78-3494;80-2087;80-4369;80-7175S;
.651(s)[Equip. stop log near excav.]	#4553(RC);7992;14188(RC);15685;78-3494;
Vague	Lockrem
.651(t)[Barriers at remote excav.]	#867;1127;1165;4968;5469;6048(RC);7400;
.651(v)[Air test in oxygen def. area]	#1636;1682;78-3861;80-4107; 80-6015;

STANDARDS (Cont.)

29 CFR 1926.651(w)[Guarding excavation bridge]	#2968;4068;4717;76-4169;
Girder used as walkway must be guarded	#10677(RC);
.651(x) [Job made wood ladder]	#145;1458;
.651(y)[Ladder spec.]	#832;8697;79-460;
1926.652(a)[Trenching requirement]	#853;867(RC);1096;1261;1750;1926;3153;3476;3486;4145(RC);4413;4890;4891;5138;5540;6759(RC);7861;8520;8823;76-5399;80-7048; 81-218;
Bank defined	#1053(RC);2286;76-4765(RC);
Not vague	#1053(RC);
.652(b) [Trench shoring etc.]	#269;301;306;377;522;555;675;701;997;1015;1040;1050;1060;1097;1409;1458;1578;1734;1750;1926;2035;2197;2286;2313;2515;2548;2630;2637;2769;2843;2865;2977;2999;3141(RC);3142;3197;3278;3224(RC);3292;3301(RC);3369;3371;3414;3427;3435;3486;3491;3494;3502;3533;3543(RC);3551(RC);3607(RC);3637;3660;3699;3705;3728;3841(RC);3842;3847(RC);3860;3979;4012;4058;4090;4145(RC);4155;4217;4264;4388(RC);4418;4427;4454;4601;4647;4705;4766;4828;4878;4967;5093(RC);5105;5180;5249;5374;5478;5782(RC);5979;5552;5957;6623;6794;7064;7184(RC);7246(RC);7454(RC);7455;7777(RC);7956;8122(RC);8687(RC);8696;8778;8495(RC);8845;8847;9150;9980;10438;10785;11092(RC);11553(RC);11167(RC);11549;11553(RC);

STANDARDS (Cont.)
29 CFR 1926.652(b) (Cont.)

	#7562;7635;7838;7947;8407;8449; 8520;8583;8834;9508;9662;9806(RC); 9809(RC);9990;10117;10620;10647; 10654;10785;11785;12893;13094; 13410(RC);13474(RC);13503; 13812(RC);14188(RC);14733; 76-191(RC);76-910(RC); 76-1228(RC); 76-1264;76-1924(RC); 76-2802(RC); 76-4507(RC);76-4988(RC);76-5399; 77-1551;77-2752;78-797;78-2090; 78-2423;78-2528;78-2561; 78-3337;78-3427;78-3494; 78-3805;78-4133;78-4367; 78-4390;78-4834;78-5260;78-5325; 78-5363(RC);79-68;79-358; 79-928(RC); 79-1235;79-3303;79-3667;79-4230; 79-4462;79-4707;79-4830;79-5789; 79-5909;79-6128;80-2571;80-3473; 80-4485;80-4560;80-4889;80-5171; 80-7048;Horne;CTM;
Amendment to 652(c) not w/o consent	#16029;
Applies to extending shoring	Pike;
Effect of frozen ground on	#2506;
How to shore	#3469;
Interpreted	#7370(RC);
Moving ground - soft or unstable	#4395(RC);15230;
Not vague	#13964(RC);
Slope from bottom to top	#10929(RC);

STANDARDS (Cont.)
29 CFR 1926.652(b) (Cont.)

Soft or unstable discussed Predominantly sandy soils are	#16029(RC);
Soil sampling not a must	#16029(RC);
Tree roots as	#3347;
Unstable earth	#2060;
Applies even tho less than 5' of Hazardous soil	#3324(RC);
Blasted rock becomes "compact & anular gravel"	#78-2257;
Can amend to 651(c)	#4395(RC);
Hazard exists if terms of standard not met	#76-93(RC);
Public convenience as defense to no shoring	#14946;
Sloping starts at 5' level	#78-2257;
Table P-2 not exclusive	#9879(RC);76-1087(RC);
.652(c)[Hard or compact soil]	#693;919;1053;1086;1096;1261;1394;1870;1871(RC);1953;2050;2266;2286;2521;2789;2805(RC);2842;3004(RC);3025;3223;3312;3366;3491(RC);3542;3811;3931;4106(RC);4136;4351;4681;4889;5008;5324;5373;5467(RC);5613;5743;5964;6052;6078;6197;7373;76-256(RC); 79-928(RC);79-4230;79-6247;79-6974;80-1049;80-1765;80-1880;80-2261S;80-3703; 81-1907;81-2000;

STANDARDS (Cont.)

29 CFR 1926.652(d)[Shoring in good cond.]	#3223;5782(RC);7947; 81-206;
.652(e)[Precautions near backfill]	#477;675;1409;1926;1953;2782;2805(RC);2843;2977;2999;3811;4766;5138;5782(RC);6759(RC);7064;7184(RC);7370(RC);7838;7947;7992;8520;8687(RC);8696;8834;9806(RC);9990;10620;11549;11758;12750(RC);78-3494;79-69;79-2571;79-3596;79-5676;79-6128;80-2087; 80-888;
Adjacent to includes intersecting	#3543(RC);78-4834;
Interpreted	#5093(RC);7370(RC);
.652(g)[Spec. for trench timbering]	#3223;4889;5008;5486(RC);5782(RC);7285;10932(RC);
.652(h) [Exit for trenches]	#549;675;701;853;1086;1097;1409;1578;1734;1871;2035;2515;2782;2842;2885;2999;3224(RC);3292;3301(RC);3369;3502;3542;3607(RC);3667(RC);3728;3811;4145(RC);4172(RC);4395;4413;4601;4647;4705;4878;4967;5138;5303(RC);5324;5467(RC);5479(RC);5540;5613;5743;5957;6078;6623;7064;7184(RC);7285;7455;7562;7683;7838;7947;7992;8495(RC);8687(RC);8834;8844;8845;9157;9806(RC);9879(RC);9990;10438;11008(RC);11092(RC);11549;11758;13094;13410(RC);13503;13812(RC);14733;15614(RC);78-2090;78-3805;79-4462;79-5676;80-2087;80-3652;80-3703;Kent;
Adequate means of exit discussed	#8766;
.652(i)[Shore as job progresses]	#2515;2548;3223;4395;9879(RC);10117;
.652(j)[Placement of bracing]	#3223;7992;
.652(k)[Portable]	#81-206;

STANDARDS (Cont.)

29 CFR 1926.653[Definitions]	#477;1458;
.653(b)[Angle of repose]	#33(RC);15094(RC);
.653(f)[Excavation]	#4395(RC);76-43(RC);
.653(n)[Trench]	#4395(RC);
Subpart Q[Concrete, Concrete Forms & Shoring]	
1926.700[Concrete, concrete forms & shoring]	
.700(a)[General]	#3643;16147(RC);76-295;78-797; 79-1420;
Not applicable to Dismantling scaffold	#12754;
Mechanical contractor	#76-163;
Wall being built	#154;219;1329;5510;78-2033; 78-2216;Ashworth;
Where need for safety belt is litigated	#78-3094;
.700(b)(1)[Reinforcing steel]	#2763;12354(RC);14456(RC); 78-2923(RC);
.700(b)(2)[Working above exposed bars]	#573;14965(RC);14456(RC); 77-1118(RC);78-2216;80-3694; 80-7276S;
Above defined	#2414;
Not limited to concrete const. etc.	#14505(RC);
Wearing safety belt not complied with	#15721(RC);

STANDARDS (Cont.)

29 CFR 1926.700(b)(3)[Guying vertical structures]	#78-2216;
1926.701(a)(1)[Forms & shoring, general]	#13843;16147(RC);80-4810;
.701(a)(2)[Drawings, plans]	#79-3189;
.701(a)(3)[Removal after use]	#7792(RC);
.701(d)(1)[Single post shore]	#326;

Subpart R[Steel Erection]

1926.750[Flooring requirement]	#78-1853;
.750(a)(2)[Bolting only 4 floors]	#5111(RC);
.750(b)(1)(ii)[Nets]	#2014;3010;3035(RC);4141;4408; 4745;9173;9850(RC);10556;12525(RC); 12618(RC);15582(RC);76-1801(RC); 76-4507(RC);80-3694;80-3808S; USS;Cornell;
Not vague	#3735(RC);
Only app. to tiered bldg.	#15892(RC);
Properly promulgated	#3735(RC);7734(RC);7672(RC);12618(RC);13529(RC);76-140(RC);
Safety belts not acceptable sub. for nets	#13529(RC);
Tiered bldg. defined	#7734(RC);
Loft bldg. as	#76-4840;
Open bay bldg. as	#78-467;
One story bldg. as	#76-628(RC);

STANDARDS (Cont.)

29 CFR 1926.750(b)(1)(iii)	#1740;1858(RC);2295(RC);2917;3068; 5111(RC);10411;12988;13781; 76-1703;76-4507(RC);
Vague	#4291;
.750(b)(2)[Peripheral guarding]	#524;2014;2414;12411(RC);77-1753; Builders Steel;Cornell
Not app. to single story const.	#13463(RC);
.750(b)(2)(i)[Temporary floor]	#12720;13801;77-2835;
Precedence over 1926.105(a)	#77-3773;79-2658;80-2760; 12525(RC);
Precedence over 1926.500(d)(1)	#5111(RC);5221(RC);10411;
1926.751(a)[Release load after secure]	#1453;76-393;80-5205;
Vague	#3735;
.751(c)(2)[Bridging on long joists]	#6988;
.751(d)[Tag line to control load]	#9173;13801;79-2658;79-6913;
1926.752(a)(1)[Containers for rivets, etc.]	#4179;
.752(a)(3)[Air hose sections tied]	#524;
.752(d)(2)[Turnbuckles on plumbing up]	#3735;
.752(f)[Metal decking]	#78-2544;

STANDARDS (Cont.)

29 CFR 1926.752(j)[Protect unused floor opening]	#4179;4745;5221(RC);

Subparts S[Tunnels etc]

1926.800(a)(2)[Access to tunnel & shafts]	#378;
.800(a)(4)[Guard unattended opening]	#597;78-3645;
.800(a)(6)[System to check in & out]	#14305;78-2830;
.800(b)(1)[Develop evac. plan]	#14305;78-4672;80-2474;80-2763;
.800(b)(3)[Self rescuers avail.]	#77-2627;78-3645;79-2210;79-2211; 80-2763;
.800(b)(4)[Comm. between face & portal]	#14305;15123;77-2627;
Applies to existing tunnels too	#78-4672;
.800(c)(1)[Air quality]	#13864(RC);77-2627;77-2918;
Not vague	#15186;80-762;
.800(c)(1)(i)	#13864(RC);79-2210;79-2211; 79-4517;80-2474;80-2763;
.800(c)(1)(ii)[Air testing device]	
Not vague	#10703;
.800(c)(2)(i)[Mechanical ventilation]	#14305;15123;13864(RC);77-2627; 80-762;80-2763;

STANDARDS (Cont.)

29 CFR 1926.800(c)(2)(v)[Amount of air supplied] Not vague	#4892(RC);13864(RC);77-2627;
.800(c)(2)(vii)[Internal combustion engine not used]	#5390;77-2918;
.800(d)(1)[Lighting]	#4892;14305;78-2830;78-3645;
.800(e)(1)(viii)[Fire proof hydraulic fluid]	#5390;
.800(e)(1)(ix)[Underground fires]	#80-914;
.800(e)(1)(xii)	#79-2210;79-2211;
.800(h)(2)(ii)[Loose ground removed]	#77-2918;80-3733;
.800(h)(3)(i)[Shafts]	#77-383(RC);
.800(h)(3)(iii)[Solid casing & bracing]	#77-2918;
.800(h)(3)(v)	#77-2627;
.800(i)(10)[Guarding jumbo decks]	#5390;
.800(k)(4)[Cab window glass]	#378;
.800(l)(1)[Spec. for elec. equip.]	#14305;76-1992(RC);
.800(m)(4)[No hand release]	#2214;
.800(m)(8)	#79-2270;80-762;

STANDARDS (Cont.)

SubpartT[Demolition]

1926.850(a)[Demolition preparation]	#597;934(RC);1741;6015;6120; 76-3176;
Minor	#77-1299
Competent person discussed	#383(RC);78-3568;
Survey defined	#388(RC);
.850(e)[Det. if hazardous sub. present]	#77-2844;
.850(g)[Protect wall opening]	#680;
.850(h)[Protect debris drop area]	#7936;
.850(i)[Unused floor opening]	#3948;
.850(j)[Start at top]	#680(RC);1359;
Not exclusive	#1359(RC);
.851(c)[Stairwell]	#79-6783;
1926.852(a)[Chutes]	#4725(RC);
1926.854(b)[Brace 2 story wall section]	#597;
.854(g)[Safe access to scaffold]	#3948;
1926.856(a)[Floor safe for heavy equip.]	#388;1741(RC);

STANDARDS (Cont.)

29 CFR 1926.856(b)[Removal of wooden floors]	#680;
.856(c)[Leave rafters bracing walls]	#1741;
1926.859(d)[Not overstressed]	#80-568;
.859(a)[Employees in area of mech. demol.]	#680;1229;
.859(d)[Ball attachment]	#934;
.859(g)[Inspections during demolition]	#77-1299;

Subpart U[Blasting & Use of Explosives]

29 CFR 1926.900(a)[Qualified person use explosive] Hortatory only	#15768;
.900(h)[Control blast]	#3609;
.900(k)(3)[Warning signs] Blasting consists of	#133;
1926.902(c)[Flame near explosive]	#1098;
.902(d)[Caps & exp. in same vehicle]	#1098;
.902(h)[Vehicle marking]	#1098;
1926.904(b)[Storage of caps & exp.]	#1098;14884(RC);
1926.909(e)[Warning given]	#80-3733;

STANDARDS (Cont.)

29 CFR 1926.910(b)[Permit area to clear of fumes]	#1468;78-2830;
1926.911(c)[Misfire]	#3064(RC);

Subpart V[Power Transmission & Distribution]

1926.950(b)(1)[Insp. before work on power transmission]	#4105(RC);9295(RC);
.950(c)(1)[Approach to energized parts]	#2532;2748;3458;4105(RC);5622;6687;8478;10277;77-970;77-3127;79-2328;
.950(c)(2)(i)[How to insulate]	#2532;11015(RC);
.950(d)[Deenergizing lines, etc.] Tree trimer not covered by	#11107(RC);
.950(d)(1)(i)[Line identified]	#2752;3746;
.950(d)(2)[Steps when line is out]	#2532;
.950(d)(2)(ii)	#76-2044(RC);
.950(e)(1)(i)[Train in emerg. proced.]	#10277;
.950(e)(1)(ii)[First aid]	#81-560;
1926.951(a)(1)[Prot. equip. accord w/ANSI]	#10277;
.951(b)(1)[Climbing equipment]	#4036;5421(RC);77-4008;

STANDARDS (Cont.)

29 CFR 1926.951(d)(2)[Inspect all live line tools]	#2532(RC);
1926.952(a)(1)[Visual insp. of mech. equip.]	#10277;
.952(b)(2)[Ground lift when near energized]	#10277;
.952(b)(3)[Equip. between lift & line]	#10277; 81-560;
1926.955(a)[Overhead line]	#5209;Pacific;
.955(a)(3)[Unsafe poles]	#2821;
.955(a)(4)[Precautions before removing bracing]	#2821;
.955(a)(5)(i)[Avoid high energy lines]	#78-5160;
.955(a)(6)(ii)[Lift equip. near energized line]	#3069;4210(RC);7360;Pike;
Not vague	Wisc. Elec.;
.955(c)(1)(5)[Conductor on deenergized line]	#7066(RC);
.955(d)(7)[Working near energ. line]	#4312;
1926.956(b)(1)[Work in manhole] Applies only to power trans. lines	#10340(RC);

STANDARDS (Cont.)

29 CFR 1926.957(a)(3)[Precautions working in energized facility]	Ocean I & II;

Subpart W[ROPS; Overhead Protection]

1926.1000(c)(1)[ROPS for equip. mfg. before 9-1-72]	#76-637(RC);

Subpart X[Effective Dates]

1926.1050[Effective date]	#1307;2516(RC);3042(RC);
Subpart V	#1416;
Subpart [illegible]	#1307;
1928.21(b)[Agriculture Opers.]	#77-2555(RC);
1975.4[Definition of Employer]	#76-4026(RC);

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INDEX

to

DECISIONS OF THE

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

JUNE 1982

Y 3. Oc 1:

PUBLICATION OF THIS INDEX IS INTENDED TO COMPLY WITH THE REQUIREMENTS OF 5 U.S.C. § 552(a)(2). CONSISTENT THEREWITH THE INDEX WILL BE PUBLISHED QUARTERLY TO INCLUDE OPINIONS RENDERED SINCE THE LAST DATE OF PUBLICATION.

June 1982

The most recent additions to this publication are underscored.

NOTE:

The Review Commission regards as binding precedent its own decisions. It regards unreviewed decisions of administrative law judges as legally significant but not as binding precedent.

ABATEMENT

Airborne lead	
Period to	#10;643;3200;
Typical program to achieve	#643;704;
Approval of by RC	
Not in Union case if R's pending	#3199;
Assumed by Judge in approving settlement	#873(RC);
Burden of proving feasibility of not on SOL	#15565(RC);
Commission may stay while appealed	Lance Roofing Co.;
Compliance Officer not obligated to tell how to	#2647;
Cost allocation	#76-3621;
Date	
Notice of contest to raises violation	#2019(RC);6448(RC)
Oral notification of not adequate	#442(RC-Dis);
Proof of reasonableness on SOL	#77-3266(RC);
Delay for development of engineering and and admin. controls not basis for	#81-1251P;
Economic	
Consequence of	#11155(RC);
Factor in method of	United Parcel;
Not a factor	Atlantic & Gulf;

ABATEMENT(Cont.)	
Economic (Cont.)	
Production loss of 60% not feasible	#77-705;
Effect on penalty	
Where accomplished prior to dec.	#667;9224(RC);
Efforts to do not mean R knew it was required	Diebold;
Employees	
May only contest reasonableness	#10340(RC);
Must be informed	#4183;
Ends at midnight on date specified	#764;
Excess airborne lead	#643;1139;
Experimentation periods	#78-2146(RC);
Extended (See Period, below)	
After 15 day period	#791;4500;
Building condemned	#1002;
Good faith effort	#3632;
Reasons for	#883;1629;2258;2687;79-6375E;
To conform to long range const. plan	#11063P;
Until request for variance acted on	#102(RC);
Extension of	
Burden of proof on employer	#81-1251P;

ABATEMENT (Cont.)	
Extension (Cont.)	
Request for considered NOC	#6448(RC);
Request for denied	#78-5910;80-1403P;
Failure to	
Cannot raise vagueness of standard	#2647;
Citation for but abatement found and new violation held	#445;
Due to circumstances beyond R's control	#3624;80-6199-P;80-6865P;
During time case being contested	#10639;
Elements of	#587(RC);12298(RC)
Fact of viol. must be est.	#603;
Not established but new violation shown Cannot amend to	#445(RC);9480(RC)
Penalty for proper	Clarkson;
Where citation did not adequately inform Respondent	#2200;78-1339;
Feasibility of	
Burden on SOL & est. by record as a whole	#9224(RC);76-4807(RC);
Determined by employer only	#78-2146(RC);
Established by past-accident actions	#4533(RC);
Other controls not	#722;
Substantial evidence required to support	#9224(RC);

ABATEMENT (Cont.)

Finances as reason for extending	#11155-P;81-1251P;
Good faith attempts to	#791;885;2275;2815;3632;3957; 11983;78-1803(RC);80-6668P;
Groups of violations	
Not valid	#833;
Immediate	
May be less than 15 days	Haybuster; Kesler;
Unreasonable if ext. work required	#15051(RC);
Impossibility of	#2453;3586;
Initial date reinstated for lack of good faith	#467(RC);
Jurisdiction over	
Reasonableness but not fact of	#22;562;687;873;5918;
Lack of funds no basis for delay	#12526;
Lack of space to accomplish no defense	#2038;
Method of must not increase risk	#703;
Method of	
A trade secret	#4272;
Union may not contest, only period	#77-3600;
Modification of	#1139;
After contest period passes	#1210;3514;4514;5708; 5819;
RC has jurisdiction	#1210(RC);Otinger;

ABATEMENT (Cont.)

Modification (Cont.)	
Employee part	#5819;
Employees must be informed at every step	#10996P;
Hearing re	
Requested by union	#5819;
Motion to prior to abate. date	#3384;
No notice of contest	
Jurisdiction of RC	#5819;
Not based on expense	#2815;
Petition not timely (wi. 15 days)	#1210;2687;4514;81-1251P;
Judge may not consider	#2095;
RC has juris. over at all times	#1234(RC);4514(RC);5708(RC); 5918(RC);
Timely if prior to date in cit.	#1924;2351;
RC may waive under Rule 108	#2095(RC);
Mooted by plant closing	#1553;
Most effective means must be used	#78-726;
Must be clear to sustain withdrawal	#1533;
Must not force R into an economic squeeze	#11155(RC);14708;
NOC to citation	#15965(RC);
Noise by administrative controls	#643;
Union objects for labor-relation reasons	#1503;

ABATEMENT (Cont.)

Not feasible	#3813;
Partial feasible	
Must do and apply for variance	#14240(RC);
Penalty for failure to	#346;914;79-4427;
Period for	
Continues to run if NOC to penalty	#2354(RC);Lance Roofing Co.
Extension of	#577;633;947;
By stipulation	#885;957;
To achieve better control of offending agent	#368;
For noise	#2038;
Must be reasonable	#3998(RC);
Reasonable time	
Same day not; at least 24 hours	#3998(RC);
Reduced	#2017;
RC can review	#2786(RC);
Tolled by contest of violation	#3200;79-5332E;
Plan	#225
Judge cannot initiate	#802(RC)
Provided by court order	Greenfield Associates;
Must contain a date certain	#722(RC);1233;

ABATEMENT (Cont.)

Plan (Cont.)

Not as sole abatement	#1885;
RC or union cannot modify	Int. Union
Union can show time is too long	#2786(RC);
Practicality of not unreasonable test	#378;1600;2022;
Progress reports required	#1942;1994;
Progress reports to union	#1942;3091;4272;
Protective clothing as only if evidence estab. engineering or adm. controls not feasible	#722(RC);
Removal of affected employee to other area not	#10,587;81-1251P;
Required only if feasible at time	#791;1104;2275;
Shortest interval to abate	#464;
Silica dust, plan for	#1600;
Specific procedure	
Judge may not order	#802(RC);
Time to is reviewable by Judge	#802(RC);
Unreasonable	
Burden on R to estab.	#11021;
Union contest only raises issue of period	International Union

ACCESS	#3694(RC);
Criteria to establish	#78-1363;
ACCESSIBILITY	
Must be shown to estab. violation	#433;79-1956;
ACCIDENT	
Cause and effect	
G must show, unexplained inadequate	#402;1367;3863;
Inspection inadeq. to show	#190(RC);
Violation	#184(RC);190;219;378;388;402;969; 2384;2576;8425;
Where workplace demolished prior to inspection	#388;
Forseeable	
Foreman's acts imputed to R	#78-3688;
Not all preventable	#77-3567
Probability of	#79-7126;
Over extended period is test	#642;919;
Relates to gravity	#6(RC);
Records of	
Only necessary if an injury has occurred	#1111;
Report of by R	
Not required if G knew through other sources	#650;
Subordinate directed to make	#5157;
Unavoidable as defense	#2576;Lake Butler;Atlas;

ACT

Application to all employees regardless of job	#7606(RC);
Civil and not criminal	#5873(RC);
Compliance with may require more than ind. practice	#12600(RC);
Constitutionality	Beall;Irey;
Presumption of	#2630;
Construed liberally for employees	#77-2115(RC);Southern Railroad; Bristol;
Duty under cannot be contracted away	#77-979;
Employer not insurer but must make good faith effort to safeguard	Titanium
Exemption from(See SEC. 4(b) and JURISDICTION)	
Narrowly construed	Southern Railroad;
Oregon	
Warm Springs Ind. Res.	#15241;
Interpreted in light of congressional purpose	#78-1443(RC);78-2090;
Interpretation of by RC (See Review Commission)	
Entitled to great deference	Bratton; Dayton;
Requires common sense	Hyman
Interpretation of by SOL	
Ent. to great deference	McGowan;
Jury trial not required for adjudication under	Atlas;

ACT (Cont.)	
Knowledge of not material to fact of violation	#781;
Legislative Intent	#76-5162(RC);
Manufacturers not covered	#79-2813;
Overrides state law and prior contract	#9438P(RC);
Penalty not criminal entitled to jury trial	Mohawk;
Policy under	
Only SOL entitled to have his enforced in court	Madden;
Preventability is keystone	#77-91;
Proceedings civil in nature	#14(RC);
Remedial legislation	#471;
Sections of (See SECTION)	
Technical violation of by SOL	
R not entitled to sweeping exclusion against SOL	Hartwell;
Technology forcing by	AFL-CIO;
ADMINISTRATIVE CONTROLS (See CONTROLS)	
SOL estab. prima facie when he shows limiting exposure is possible	#3827;
ADMINISTRATIVE PROCEDURES ACT	
Section 552(a)(1)(E)	#199(RC);
Section 553(d)	
"Good cause" discussed	#7734(RC);

ADMINISTRATIVE PROCEDURES ACT (Cont.)	
Section 556(d)	#78-6247(RC);
Amendment after hearing	
Section 557(c)	#14822(RC);76-2349(RC);
ADMINISTRATIVE REMEDY	
Exhaustion	
Remand for trial after interlocutory appeal	Fieldcrest;
ADMISSIONS(See RULES OF PROCEDURE, 52)	
Binding on R where made by employee with authority	#1955;
By attorney	
Not binding unless judicial admission	#11340(RC);
By R not binding if Judge doesn't accept	#694;
Conclusive	#605;
Request for ext. to reply made after time expires	#10198(RC);10952(RC);76-909;
Employee's attributed to R	#5873(RC);
Made during settlement negotiations	
Not binding at trial	#510(RC);
Requests for	
Not answered and time extended	#3976;
Not answered are admitted	#79-2156;
Not denied are admitted	#76-323;
AFFECTED EMPLOYEES	
Defined	#76-4572(RC);78-446(RC);79-839P;

AFFECTED EMPLOYEES (Cont.)	
Represented by union	
(Service on (See Service of Notice))	
Rights where union does not elect party status	**#79-191;**
AFFECTING COMMERCE	
Activities of sort engaged in by co.	**Anchorage;**
Assumed	**#44;**
Broad interpetation	**Anchorage**
Broader than Fair Labor Standards Act	**#354(RC);**
Burden of proving	**#3701;79-3894;79-4110;**
Business in two states	**#3249(RC);**
Business not	**#3701;**
Business on navigable waters	**#354(RC);76-4026(RC);**
Construction business	**#80-273;**
Decision in prior case that R is	**#5731;**
Discussed	**#3108(RC);3249(RC);4172;6688;7936;8387;14096;14536;76-4744(RC);Godwin;**
Meaning	**#480(RC);782;855;**
Dock builder as	**#3253;**
Employer as class	**#6015;**

AFFECTING COMMERCE (Cont.)	
Equipment made in another state	
Used by R in business	#76-4295;78-2090;80-3592(RC);
Every business	#477;2276;6015;12459;13973(RC);
Includes intrastate sale of goods that have moved interstate	#1324;7246;
Life insurance business as	#13069(RC);
Manufactured item as component of interstate item	#1285;
Scrap dealer as	#10331;
SOL failure to present evid. re	#76-631;
Use of mails or interstate telephone lines	#80-3592(RC);
What business is	#119;211;354;477;480;493;754; 781;855;983;1128;1305;1324; 1700;2266;2276;2536;2969;3583; 3701(RC);79-4944;
Discussed	#8687(RC);Gordon;
AGENT	
Foreman's acts imputed to R	Ocean;
R is liable for acts of	#184;
R resp. for acts of agents	Ocean;
Who is	#1405;
AGRICULTURAL ACTIVITY	
Chicken egg producers	#77-2555(RC);

AGRICULTURAL ACTIVITY (Cont.)	
Cotton ginning is	#1671;
Grain storage is not	#1671;
AIR COMPONENTS	
Failure to abate	
Based on untested observation	#5594;
Personal sampling vs. area sampling	#12597(RC);
Sampling for	#9666;
When medical exam required	GAF
AIR CONTAMINANTS	
Abatement	
Must do more than merely redistribute	#76-3816;
Acute v. chronic exposure	#2311(RC);
Estimation of amount of	#78-2006;
Location of testing device on employee	#78-4580;
No showing that engineering changes would in fact decrease noise	#76-4388;
Pre-insp. activity may be considered to det. if serious	Bethlehem IV;
Sample outside welding hood	#78-4392;
Serious violation based on chronic exposure	#2311(RC);78-4674;
AIR HOSE	
Failure to meter pressure	#456;731;849;1506;

AIR HOSE (Cont.)	
Open end used as part of mfg.	#102(RC);8280;
AIR SAMPLE	
Unrepresentative	#76-3431;
"AISLE"	
Obstruction of	
Not by small pieces of debris slipping from pile	#413;
Permanent defined	#4237(RC);
Wide with some temp. storage	#299;
ALTERNATIVE MEANS OF GUARDING AGAINST HAZARD	
Discussed	#15094(RC);
AMBIGUITIES IN CITATION	
Cured at hearing	National Realty Co.;
AMENDMENT(See FRCP 15(a))	
Abatement described in other standard permits amendment to that standard	#76-4636
Add new worksite	#510(RC);76-4460;
After R paid lower penalty of initial citation	#945
After hearing	#764;867(RC);935;1036;1046;1191;1796;3685(RC);4224(RC);4415(RC);4537(RC);4725(RC);5221(RC);5324;5482(RC);7672(RC);7734(RC);8122(RC);11104;77-362(RC);77-2014;78-3161;79-2270;80-5810;Ashworth;
Answer	#76-5344(RC);77-226;
From mobile crane to perm. mounted crane	#78-4537;

AMENDMENT (Cont.)

After hearing (Cont.)	
In alternative	#7722;
No consent, express or implied	#76-2044(RC);76-2879(RC);
Not permitted	#77-1527;77-1765;
Prejudice	#76-4169;77-362(RC);77-2014;
Permitted if fully tried	#5375;78-3234;
With consent	#16029(RC);76-2748(RC);
Judge erred	#3491;
Too late for failure to abate to repeat	#9480(RC);
After prehearing discovery	#4626(RC);
After record closed too late	#103;1796;5991(RC)
Contra	#867(RC);3491
Alleging substantially different after hearing is denial of due process	#13084;
Alternative charge	#8842(RC);13535(RC);77-1202;
After hearing	#7722;79-2973;
Sec. 5(a)(1) as	#1968;77-1202;
Answer	#2813;
After hearing	#76-5344(RC);77-226;80-3592(RC);
At any stage of proceeding	#285(RC);2739;78-3161;
Not at RC level	#5991(RC)(however see Ashworth)

AMENDMENT (Cont.)	
At hearing	#1191;1907;2357;3197;6972(RC); 8122(RC)10932(RC);Western II;
If fully tried	#16140(RC);
Increase penalty	#7562;
New standard - too late	#76-2468;
Nonserious to serious	#2739(RC);12577;
Nonserious to willful	#77-3540;
Permitted if R granted cont. to reply	#12831(RC);
Repeat to serious	#78-5558;
Six months after cit. filed	#6987;7368;
To charge new violation	#77-4089;79-3667;
Undue delay prej. R	#6644;
Untimely	#4224(RC);76-295;76-1162;
Back and forth not permitted	Cornell
Before hearing	#8778;14315(RC)
But long after inspection	#9054;
Immediately prior to Alleging new fact. basis	#7792(RC);
Permitted if no prejudice	#14315(RC);78-3216(RC);
Prejudice will be rare	#14315(RC);
By complaint	
Obj. to in posthearing brief	#14968(RC);

AMENDMENT (Cont.)

By Judge	
Has no discretion if consented to	#14761(RC);
Not if he assumes regulatory role	#2739;
Permitted if fully tried	#5375;5482(RC);
Sua sponte	#2885(RC);76-392;
After trial-error	#3491(RC);
After trial where evid. intro. at hearing	#78-4257;
Close of hearing	
R intro. test. re alt. standard	#15265
To change standard	#14761(RC);
To delete offensive word	#2630;
To increase severity	
If R on notice, opportunity to defend and issue tried by consent	#690(RC);12705(RC);
To raise affirmative defense	#76-3159;
To reduce	
Serious to nonserious	#1053;1981;
Willful to repeat	#2538(RC);7947;
Willful to serious	#690(RC);2637(RC);
By proof	#158;378;557;1399(RC); 1858;3028;3197;
Consent required	#4725(RC);

AMENDMENT (Cont.)	
By proof (Cont.)	
Fair notice required	#867(RC);1046;2276;3197;3235;
By RC on review	#857(RC);1036(RC);1046(RC); 2287(RC);4537(RC);4547(RC); 12618(RC);13685(RC);
Not if amended issue not lit.	#7734(RC);
SOL must consent to	#221(RC);
Change abatement date	
Extends time to contest	#78-4277;
Change date of viol. or insp.	
Proper to permit	#657(RC);13283;76-934;
To show date when R's employees exposed	#1114(RC);77-4204;
When correct date tried	#1399(RC);
Change desc. in cit.	
At hearing not permitted	#4175;5282;5991(RC);
Inadvertent error in standard	#3028(RC);
Not permitted	#2437(RC);4175;
Permitted where language of cit. allowed	#2437;
"Platform" to "walkway"	#15858;
Splice to repair	#76-934;
To show specific section viol.	#2973;
Change factual theory	#2887;
Cannot do	#76-2167;

AMENDMENT (Cont.)

Change legal defense	#683(RC);
Change name of party	#1988;4224(RC);
From one corp. to another where commonly owned	#15009;78-5954;79-2899;
Change standard	#1225;
Only if R had opport. to raise all relevant defenses	#10903;
Change substance	#683(RC);
Clarifying	#2739;
Citation	
Adding party	
Must be within 6 mos. of violation	#14822(RC);
After citation final-Judge may amend during failure to abate	#14057(RC);
Amends complaint when R not prejudiced	#1126;
At hearing	
Must be tried on amended standard	#11104;
Must give notice of new theory	#3841;
By complaint	#4845;15690(RC);
Complaint included	#3324(RC);
Extends time for NOC	#1075;
Unless no amendment intended	#605(RC);
Language of clearly permitted	#2437(RC);

AMENDMENT (Cont.)	
Citation (Cont.)	
May be	Long Mfg. Co.;
New charge may not be added	#4387;5991(RC);14774(RC);
New citation that changes nature of charge	#7792;
Oral not permitted	#12798;
Prejudice not shown	#4850(RC);76-1174(RC);
Radical change in	#285(RC);345;810;1263;1689;1796; 1858;1968;1990;5991(RC);
R must be advised timely so he can prepare for trial	#11104;
Complaint	
Amendment in	#167;186;285;496;1036;1875; 4584(RC);4845(RC);5486(RC); 7064;10330(RC)16057(RC); 76-1393(RC);
Employee exposed redescribed	#13920(RC);
Facts changed	#14315(RC);
Facts not	#683(RC);15043(RC);
Judge's order must reflect	#467(RC);594;
May not add new charge	#4387;
Nonserious to serious not per.	#2459;
Repeated to willful	#13680(RC);14509(RC);

AMENDMENT (Cont.)

Complaint (Cont.)

Same rules as for citation	#78-3398(RC);
Serious to Willful	#77-2627;
Six month rule	Bloomfield;
SOL must conform to RC rule	#1690(RC);
To add standard	#2437(RC):4845;
Conform to proof	#147;683(RC);688;810(RC);867(RC); 1046;1373(RC);1624;1871(RC);2044; 2272(RC);3028;3195;3491;4725(RC); 4825;5479(RC);77-1623;77-4458; 79-261;79-2225;79-5269;79-5751;81-407;
Date of violation	#782(RC);
Where date intro. by R to refute cit.	#4773(RC);13732(RC);
Facts raised coincidentially not with consent	#15974;
Identical standard in 1910-1926	#15854;
If R on notice	#867;1036;1046;
If R not prejudiced	#3685(RC);
Issues tried	#7247(RC);11011(RC);
Not if new theory	#2913(RC);4029;7247(RC); 78-6247(RC);
Only if express or implied consent	#2538(RC);4725(RC);
Only if issue tried	#2805(RC);10343;78-6247(RC);

AMENDMENT (Cont.)

Conform to Proof (Cont.)

R fully defended to amend stand.	#5946;
Where evid. presented without objection	#2538(RC);8374;
Willful not found, serious if consented to	#4172(RC);
Consent implied if no obj. to evid.	#15582(RC);76-896(RC);76-2748(RC); 78-2923(RC);78-4390;80-7116;
Consent implied if R introduced evid.	#76-3103(RC);
Consent not est. where R participated in introduction of evid. but didn't realize it was related to untried issue	#7247(RC);
Consent required for RC to amend	#221(RC);
Considerable scope to, before and during hearing	National Realty;
Discretion of Judge	Cornell;
Discussed	#3028;3035(RC);6969;14774(RC); 15169(RC);15522(RC);77-1202; Marquette;Cornell;
Evidence introduced for purpose other than proving viol. of stand. for which amendment sought Not tried by consent	#13511(RC);80-5810;
Evidence re amendment must be obj. to	#15582(RC);
Facts alleged are unchanged	#15450(RC);16057(RC);
Failure to abate to new viol.	#445(RC);

AMENDMENT (Cont.)

Failure to abate to repeat viol.	#76-776;
After trial too late	#9480(RC);
Failure to object, implied consent	#14761(RC);16235(RC);
Failure to state reason for	#16057(RC);
Federal rules govern	#10136(RC);Southern Colo.
Freely granted	#285;683(RC);
If no prejudice in preparing or presenting case	#15450(RC);
General duty to standard	#857(RC);4845(RC);7722;78-2192;
Generally	Marquette
"Hoses" to "debris" in aisle	
Not tried by consent	#12408(RC);
If fair notice given, issue litigated may be decided by Judge	#949;3235;
Implied consent	#14761(RC);
Discussed	#76-3944(RC);
If evid. introduced w/o obj. and understood to be directed to amended change	#12686(RC);13685(RC);
Not if failed to object to innocuous question	#5991(RC);
Not where proof different and R's defense might be diff.	#12686(RC);
Increase severity of charge	#221(RC);5731

AMENDMENT (Cont.)

Judge's own motion	
If tried by consent	#14761;15582;
Not beyond what parties were prepared to try	#4395;15186;
Liberally allowed where no prej.	#3035;
Liberally construed	#810(RC);6969;78-3216(RC); 79-5359;Nat. Realty;
Made before RC, too late (See After trial, this title)	#8275(RC);
May not bring in new issue	#285;389;810;867;1036;1046;1645; 1796;1968;2357;5991(RC);6644; 6972;
More than 15 days after citation issued	#791;5355;
More than 6 mos. after insp.	#103;678;810;1689;3393;4598; 4626(RC);4773(RC);6969;8842(RC); 10929(RC);80-7116;
Acceptable if factual basis the same	#3685(RC);
Acceptable if no new charge	#15450(RC);
R on notice of basic facts	Southern Colo.
More specific standard	#15582(RC);
New fact basis	#77-807
Not appropriate where no hazard shown	#76-4378;
Not if foreign to init. cit.	#6972;
Not if it adds a new charge and no notice	#7247(RC);

AMENDMENT (Cont.)

Not if R prejudiced	#1731(RC);7377(RC);13134(RC);
Not in mid-trial to add new stand.	#4598;
Not permitted by ALJ	
Does this revise orig. cit.	#2459;
Not prejudicial if doesn't change factual allegation	#3685(RC);
Notice of contest by answer	#76-4378;
Notice required	#1362(RC);
Objection to 30 days later	#949
Of citation during trial	#2887;
Of pleading	
To conform to proof	#1399(RC);
Of substance must be in writing	#2693;
Post hearing	#867(RC);2630;
On same level	#4141;
Party (See)	
Permitted if issues relevant to amended theory tried and R not prejudiced	#14036(RC);
Permitted if R not misled	#11;112;285;345;394(RC);471(RC); 810;857;867(RC);1036;1114;1689; 1796;2384(RC);3153;3197;
Pleading	
Basis for easily amended where fair notice given	#1231(RC);4734(RC);

AMENDMENT (Cont.)

Prejudice	
Cured by continuance	#77-1894(RC)
Not shown if fair opport. to defend	#4773(RC);76-20(RC);76-2748(RC); 76-3942(RC);76-5344(RC);
Not shown where no opportunity to negotiate settlement	#78-5954(RC);
Shown where made imm. preceding trial & witnesses not available	Cornell
Prejudice required to deny	#857(RC);3035(RC);
Prior to hearing	#76-2643(RC);
Consent not necessary	#15169(RC);
Permitted if no prejudice	#14315(RC);76-1992(RC); 79-1552(RC);
Prejudice will be rare	#14315(RC);76-1992(RC);
Proper if stated with particularity	#8842(RC);
Pro se cannot plead ignorance re	#76-3944(RC);
Provided for by RC rules	Rule 33(a)(3);
Reflect correct standard	#949;76-163;
Reflect in Judge's decision	#56(RC);186(RC);420;739;
Relates back to orig. cit.	#3035;3685(RC);4773(RC);11222; 15450(RC);76-2167;79-5707;
Relates back but not agreed to	#3301(RC);
Repeated to willful	#14509(RC);

AMENDMENT (Cont.)

R inferentially raised issue	#79-557;
R must have adequate opportunity to prepare case	Cornell
Respondent's name	
Wrong individual d/b/a	#78-47(RC);
R not prejudiced	#11222;
Serious from other	#594;1036;2459;2739;12705(RC);
Where cited in error	#14(RC);
Serious to other	#1981;76-4621;
Serious to willful	#14315(RC);
Same factual basis but new stand. dates back to orig. cit.	#3685(RC);
Sec. 5(a)(1) to standard	#680(RC):1036(RC);1046;2249;2737;3685;11552;
Arising out of same conduct	#15565(RC);
Not after 6 months	#7174;
R does not object	#1264;
R does object	#130;1968;2739;3685;
Too late in proceeding	#1373(RC);3028;5991(RC);
Vacillating OK	#9054(RC);
1910.212(a)(3)(ii)	#78-2862;

AMENDMENT (Cont.)	
Sec. (Cont.)	
1926.500(b)(1)	#78-3398(RC);
1926.954(a) and 950(c)	#76-2044(RC);
Standard to	
1910.23(c)(1) to .252(e)(1)(i)	#79-2663;
1926.28(a) to 105(a)	#13026(RC);
To failure to abate	Long;
1926.500(b)(1) to (c)(1)	#78-1600
1926.500(d)(1) to 28(a)	#15043(RC);15974;
1926.451(a)(2) to (a)(14)	#76-3944(RC);
1926.500(d)(1) to 105(a)	#14774(RC);
1926.552(b)(1)(i) to 800(m)(8)	#79-2270;
1926.652(b) to 652(c)	#78-4834;
1926.700(c) to 28(a)	#78-3094;
To Sec. 5(a)(1)	#857(RC);1483(RC);1731(RC);2287(RC);2739;7290;8842;11552; Ashworth;
At trial denied	#14280(RC);
New issue	#7290(RC);
New issue	#76-4056;
Not tried by consent	#78-1562;
Prejudice usually results	#857(RC);

AMENDMENT (Cont.)	
Standard (Cont.)	
To Sec. 5(a)(1) (Cont.)	
Same factual situation	#77-1202;Marquette;
From cited to one R argues is applicable	#77-3540;
Sua sponte by Judge	#76-163;76-3944(RC);
Sua sponte on behalf of pro se	#78-4986;
Substantial must be in writing	#4598;
Substitute proper party	#1988;
Timely notice of to prepare for trial	#11104;
To add new legal theory	#12767(RC);
To add standard	#6064;
To contest additional items	
Not permitted	#2028(RC);
To charge new standard w/o changing cit. lacks spec.	#15004;
Prejudice not possible required	#688(RC);
To correct	
Date of inspection	#13685(RC);
Not sub. to 6 mo. limit	#4704;
Date of violation	#3312;
Error in standard	#997(RC);1875;2287(RC);2938; 12136(RC);
Not permitted	#3028;76-140(RC);

AMENDMENT (Cont.)	
To Correct (Cont.)	
Error (Cont.)	
Only if R permitted to raise all relevant defenses	#10923;
Identity of R	#4598;
Place of violation	#76-4460;
To create two charges out of one	#1968;
To repeated from willful	#7947;
To sever port. of cit. to create a new item	#9508;
To sub. ident. 1910 & 1926 stand.	#14425;
Tried by consent	#2538(RC);3491(RC);4725(RC); 11104;14154(RC);
If R intro. the evid. but not if R prejudiced	#1504(RC);
Implied if no objection to intro. of evidence	#76-896(RC);
No consent	#2538(RC);3491(RC);76-2879(RC); 80-5810;80-7116;
Not if first mentioned in brief	#4503(RC);
Well before hearing, rarely results in prejudice	#78-3398(RC);
When allowed	#510(RC);
When justice requires	Marquette;

AMENDMENT (Cont.)
  Who may #2739;

  Willful to nonserious #2538;76-3877(RC);

  Willful to repeat #2805;

  Willful to serious #4172(RC);5324(RC);78-50;

ANNUAL SUMMARY (Form 102)
  Must be maintained as spec. in CFR #1097(RC);

ANSI (See National Consensus Standard)

ANSWER
  Amendment (See)

  Dismissal of contest for failure to #458;770;960;1376;3508;

  Failure to #9815;80-6745;
    Deny item in complaint admits it #4140;

    Does not estab. lack of good faith #551;

    Does not preclude RC from reinstating #2309;77-2040(RC);

    Due to misunderstanding #1795;2295(RC);2390;

    For good cause is excused #3701;4776;

    RC lenient re #1868;

  Filed after decision final #2309;

  Filed does not preclude motion to dismiss #2367;

ANSWER (Cont.)	
Formulation of issues as	#191;
General denial permitted	#10952(RC);
Late excused	#1353;2295;3550(RC);
NOC equivalent to	#76-4761(RC);
Not necessary if R has good cause for not	#3701;4776;
Not timely filed	#3278;
What constitutes	#239;893;931;943;1353;
APPEAL, INTERLOCUTORY	#192(RC);11865(RC);12099(RC); 13332(RC);77-4297(RC);79-570(RC);
Form for	#562;1087;
At end of decision denying motion	#798;
Patterned after 28 USC 1292(b)	#4385(RC);
Pending amendment not proper subject of	#10136(RC);12831(RC);
APPEAL TO COURT (See Court of Appeals)	
APPEARANCE	#79-6784;
APPROVED	
Means by nationally recog. agency	#503;
ASBESTOS	#77-2039(RC);78-741(RC);78-2419(RC); 79-2711;79-4080(RC);80-2196; 81-241;81-246;
Monitoring	#11756(RC);13732(RC); 78-4723(RC); 79-6918(RC);
Physical exams	#80-2196;

ASBESTOS (Cont.)
  Scientific test not necessary to establish presence — #13102(RC);78-773;

  Technical discussion of — #78-414;

ASSUMPTION
  By both sides — #419;

  No substitution for facts — #250;412;

ATTORNEY
  Fee and costs (See Equal Access to Justice Act)
    Assessment of — #4707;Beall;

    Recovery of — #2739(RC);77-1895(RC);

BACK-UP SIGNALMAN	#133;
BANKRUPT RESPONDENT	
Does not relieve R of requirements of Act	#11014(RC);77-3491(RC);
Obligation to participate	#78-1349;
Penalty serves no purpose	#1610;
BARGE LOADING	
Longshoring (1918.3(1))	#1671;
BRIEF	
G filed late	
Effect of	#840;14886(RC);
G refused to file	#922(RC);
Posthearing not required for RC review	#76-637(RC);
Simultaneous not violation of due process	#2240;
BURDEN OF PROOF	
Abatement	
Means of on SOL	#9224(RC);
Contra	#12501(RC);
Means in 28(a)	
Not necessary to show feasibility & likely utility	#79-989;
Accident	
Fact of doesn't sustain burden	#1367;(See Accident);
Affecting commerce	#3701;
Affirmative (Defense)	#3813;Southern Colo.
Failure to abate	
Orig. cit. not viol. on R	#76-4043;

BURDEN OF PROOF (Cont.)

Affirmative (Defense) (Cont.)	
Isolated instance is	#524(RC);
Lack of jurisdiction on R	#738;
On R Alleging subcontractor defense	#3064(RC);Atlantic & Gulf; Bratton
Air contaminants On SOL to estab. eng. & adm. controls	#7359(RC);
Air pressure Failure to meter	#456;731;
Based on facts and not speculation	#388;
Citation not timely	#2123;
Collected dust not shown to be all forbidden matter	#1422(RC);
Conclusion by CO doesn't satisfy	#801;3688;
Conditions precedent Must be shown	#439(RC);1607;
Constitutional issue	#2847;
Different under 5(a)(1) and 5(a)(2)	#3069(RC);76-1174(RC);
Discussion of	#1;419;425;426;
Distance vital but only estimated	#1127;5482;
Economic feasibility on SOL	#3973(RC);10925(RC); 13490(RC);RMI;

BURDEN OF PROOF (Cont.)

Electrical power in line	#15809;
Employee conduct forseeable	#78-4070;
Employee is R's	#1129;1333;4808;
Employee is working	
Presumption he is if on worksite during working hours	#524;
Employee NOC re abatement	#1942(RC);
Engineering or adm. controls on SOL	#13773;13949(RC);79-361;79-4077;
Economic & technological feasibility on SOL	#76-222(RC);77-2235;
Estimation of effect of heavy weight on excavation wall	#6644;
Evidence evenly balanced	#76-3890;
Evidence in conflict	
Does not sustain burden	#425;2096;
Evidence must be clear & convincing	#76-3337;
Evidentiary rule applicable to	#425(RC);
Exemption from Act on R	#5873(RC);8285(RC); 10799(RC);
Exemption from standard on R	#4415(RC);5873(RC); 8285;10825(RC);14536(RC); 16193(RC);
Exposure to hazard	#559(RC);1955;4356;14748;
Fact of accident does not sustain	#441;(See Accident);

BURDEN OF PROOF (Cont.)	
Failure to carry	#557(RC);
R supplies deficiency	#14249(RC);
Failure to establish nature of soil not carrying	#76-349(RC);79-1235;
Failure to measure distance doesn't sustain (See Distance Vital, above)	#531;572;
Failure to measure slope	#79-5789;
Failure to prove board used as level or bridge	#849;
Failure to prove conditions precedent	#425;439;
Failure to prove every fact of standard	#2339;
Failure to prove hazard	#498(RC);78-3133;79-915; 79-1424;79-5413;
Failure to prove hazard thru R's employee is G error	#1229;
Failure to prove nature of liquid	#836;2739;
Feasible controls (See FEASIBLE ENG. CONTROLS)	#7925(RC);
On SOL	#3973(RC);10270;13949(RC); 78-2128;Bristol;RMI:
Contra	#12523(RC);12876(RC);13949(RC); 15855(RC);79-5201;
Even if not raised	#7992(RC);
5(a)(2) SOL must prove how hazard could be avoided	#7792(RC);Diebold;
Flammable liquid	
Not est. without sample and test	#180(RC);

BURDEN OF PROOF (Cont.)

General duty clause	#3304;13659;78-5523;79-1176; 79-2756;
SOL must show by specific and detailed evid. what should be done	#77-4219;Hanovia Lamp;
Hazard	
Where standard presumes	#76-93(RC);76-3517;78-3133;
Impossibility of performing work	
Burden on R	#3725(RC);
Contra	Bristol;
Infeasible on R where standard prescribes method	#80-5124;Ace;
Infeasible methods put forth by c.o.	#78-3766;
Informer privilege	#5873(RC);
Jurisdiction	
Rests on G	#657;
Knowledge	
Generally	#76-4611;
Met by substantial evidence	#14;268;
Noise level	#268;937;3905;
Not met unless meter used	#1592;
SOL must est. that eng. controls will achieve full abatement	#15654;
Not subject to Act rests on R	#738;
Not sustained	
As to angle of repose by photos and estimates	#2436;79-1235;

BURDEN OF PROOF (Cont.)

Not sustained (Cont.)	
Where gross negligence of employee is equal cause	#9;
Where SOL fails to rebut aff. def.	#1746;
On challenger of constitutionality	#345;
On SOL	#412;565;608;937;80-119;
All elements of violation	#146;
Even if no hearing	#5390;
Must show cause of accident	#9;219;564;
No speculation or conjecture	#77-2202;
To establish knowledge	#1422(RC);
May do so by presumption	#5356;
Penalty	#1;
PMA	
On petitioner	#1924;
Preponderance of evidence for	#326(RC);425(RC);3347;7690(RC); 13442(RC);80-1552;Olin;
Prima facie case	
After SOL ests. R has burden of going forward	#9890(RC);
Prior citation final on SOL	#3895;
Prot. clothing need on SOL	#78-139;
R has re impossibility if standard specifies	Diebold;

BURDEN OF PROOF (Cont.)

Rulemaking vis a vis enforcement	#80-119;
Safe operating conditions	#832(RC);
Safety program adequate (See SAFETY PROGRAM)	
Sec. 5(a)(1) analysis not app. to specific standard	#15855(RC);
Seriousness of violation	#2311;
SOL has as to	
Abatement feasible if standard does not specify	Diebold;
All elements of violation	#78-5270;79-4709;B&B;
At least one employee exposed	#4679;
Engineering controls feasible	#1551(RC);
Fact of violation	National Realty;B&B;
Factual matters	#3438;
Steps to avoid cit. & feas. & util. of measures	Champlin;
System inadequate	#82(RC);
SOL need not disprove isolated occurrence which is affirmative defense	#524(RC);
SOL speculation or conjecture doesn't satisfy	#4679;

BURDEN OF PROOF (Cont.)

Standard applicable rests on SOL	#702;78-5450(RC);80-5810;
Subcontractor defenses on R	Bratton
Substantial evidence for	#326(RC);594;836;1128;1367;
Defined	#1367;
Testimony vague	#1806;79-2548;
Testing required but not done	#2739;
Trade Secrets (See)	
Violation	
Exists	#1;National Realty;B&B;
In workplace no longer in exist.	#388;
Knowledge	#13315(RC);
Measures to take to abate	#76-559;
More likely than not	#78-4723(RC);
SOL must show by preponderance of evid.	#7690(RC);
When it occurred	#412;425;
Where R shows it cannot anchor lifeline SOL must rebut and show it can	#16058(RC);

CAUSE OF ACTION	
Changed in defined	#14315(RC);
CERTIFICATION OF RECORD	
Form	#11;
CHARGE	
Duplicative	#80-927;
Includes citation and complaint	Nat. Realty;
Prosecution of	
SOL cannot be forced to	#10340(RC);
CIRCUIT RULE (See Court of Appeals)	
CITATION	
Abatement methods not included in	#77-580;
Alternative charge (5(a)(1) plus standard) (See Amendment)	
At trial not accepted	#5324(RC);6972(RC); 8842(RC);15522(RC);
Contra	#14968(RC);
In complaint not permitted	#6764;
Must dispose of both	#161(RC);
Not appropriate	#161(RC);4725(RC); 9507(RC);
Alternative pleading	#8842(RC);
Ambiguous	
Closing conference clarified	#11222;
Amended by judge	#79-4462;

CITATION (Cont.)

Authority of SOL to issue	#76-308;
Based on ANSI must specify section	#1228;
Based on good faith belief from data gathered at inspec.	#4385(RC);77-2512(RC);78-5751;
Based on silence of R re safety pract.	#2805;
Basis of enforcement and not complaint	#4598;
Combining multiple other in serious (See Violation, Multiple)	
Complaint included in	#3324(RC);
Compliance need not be spec. by SOL	#13463(RC);
Considered in most favorable light	#2354(RC);
Defect in cured by complaint	#72;285(RC);298;
Defect in cured by R's knowledge	#2437(RC);
Defect in not cured by stipulation	#1364;
Defined	29 CFR 2200.1(c);
Delay in issuing	
Prejudice must be shown for valid defense	#11742(RC); 79-2380(RC);
Delivery of	
To job superintendent	#1342(RC);
Describe violation with particularity	#1689;1942;2384;3905;
Failure to must prejudice R	#3905;

CITATION (Cont.)

Describe (Cont.)	
Failure to not fatal if R on notice	#2437(RC);
Double charging	#2888;3223;4182(RC);10929(RC);
Duplicative will be vacated	#76-1036(RC);
Employer named	
SOL's intent governs	#14822(RC);
Equivalent to complaint	#76-4761(RC);
Failure to give date of inspection	
Not fatal where R on walkaround	Ringland;
Failure to issue doesn't grant immunity	#78-29(RC);
Failure to post not basis for dismissal	#725(RC);
"Failure to provide" includes "failure to instruct" in des. vio.	#12964(RC);
Fair notice & location of viol. all that is required	#76-2049(RC);
Final	
SOL cannot withdraw	#9529;
Final because no NOC	#2872;Echols;
RC may not vacate	#3375;
FRCP #15	#111;112;
Hearsay not enough to support	#668(RC);
Incorrect citation mailed to RC	#2013;
Incorrect standard	#680;1430;5221(RC);12136(RC); 76-163;

CITATION (Cont.)

Issued to wrong corp. of R	#4224(RC);
Not fatal where complaint issued correctly	#4598;
Items of	
Each is a separate citation	#2870;
Grouping several to make serious	#76-2721;
Not contested becomes final	#524(RC);
Omitted in complaint is abandoned	#538;810;
Mailed to violation site & corp. hq.	
Times runs from receipt at corp. hq.	#76-1698(RC);76-4492;
Mailed to violation site where employee auth. to correct	#78-5520;
May amend by complaint as long as R gets fair notice (due process)	#72;285;594;
Means each item thereof	#2870;
Multiple for same offense	
SOL estopped to harass	Cont. Can;
Multiple standards in alternative	
Not fair notice to R	#10411(RC);
Must be specific	#1128;1645;1761;
Need not be technically accurate in naming employer	#14822(RC);
Not contested	
RC lacks authority to modify	#946(RC);
SOL lacks authority to withdraw	#946(RC);

CITATION (Cont.)

Not narrowly construed	#78-3216(RC);Nat. Realty;
Not service of process under FRCP #4	#14822(RC);
Not specific but clear	#1916;
Not tolled by petition for variance	#914;
Observed violations only (except acc.)	#22;
Omission of in complaint indicates desire to amend	#538;
Only SOL may initiate	#2739;
Oral amendment not permitted	#12798;
Part of complaint when attached thereto	#3235(RC);
Particularity of (See Sec. 9(a))	#60;683(RC);1221;1477; 1592;1761;1936;2028; 2183(RC);2200(RC);4306; 5486;6976;11865(RC);
Affirmative defense of must be raised before RC review	#14702(RC);
Cannot merely say in accord with ANSI	#838;
Citing standard that incorporates by reference	#10639(RC);
Consider pleadings, discovery, hearing & decision stage	#11865(RC);76-2049(RC);
Discussed	#78-3224;
Depends on factors other than language thereof	#8500(RC);

CITATION (Cont.)

Particularity of (Cont.)

Discovery can cure lack of	#14702(RC);
Failure to list inspection date	#3028(RC);
Failure to provide cont. & eff. hearing cons. program not	Harrison Lumber;
Fair notice of general location of noise satisfies	#76-1463(RC);
Generally	#11865(RC);
Grouping of violations does not cause lack of	#78-1595;
Lack of as defense in failure to abate	Harrison Lumber;
Lack of cured by R's knowledge	#11865(RC);13067(RC);78-2589;
Lack of cured if subsequently clarified	#9224(RC);11865(RC);
At hearing	#76-1463(RC);
By discovery	#76-1463(RC);
Lack of not cured by	
Discovery	#2367;
Contra	#76-1463(RC);
Oral statements	#2200;4415(RC);13067(RC);
Remarks at closing conference	#683;2200(RC);
Testimony at trial	#2532(RC);
Contra	#76-1463(RC);
Method of abatement not specified	#77-2484;

CITATION (Cont.)	
Particularity of (Cont.)	
Notice to R sufficient	#2802(RC);4415(RC); 5599(RC);11865(RC);76-2049(RC); 78-1054(RC);
Not lacking because cited standard misprinted in FR	#16059(RC);
Repeat charge	Todd II
Motion for more definite statement will cure	#78-1907;
Repeat words of standard	#76-2049(RC);
R must seek nature of violation	#7711;
Standard violated must be cited specifically	#1768;1823;
Portion violated must be described	#2532(RC);
Sufficient if R knew correction action to take	#9666;
Too much noise in plant not	#2367;Harrison Lumber;
Too much noise in specific areas of plant	#3813;
Verbal clarification does not cure	#1936;
Where R knew of violation cit. can be less specific	#13067(RC);
Party	
Amendment to show proper not accepted	#4224(RC);
Penalty for not posting(See Penalty)	

CITATION (Cont.)

Penalty limitation for 10 or less N/S does not preclude	#76-2992;
Poorly drawn but adequate	#141;
Posting	
Failure to not basis for dismissal	#725(RC);2091;
Prior non final admitted to est. knowledge but not history	#9225(RC);
Promptness in issuing (Reasonable - 72 hours after viol. det.) (See Sec. 9(c) of Act)	#117;687;692;1036(RC); 1105(RC);1556;1780;2567; 3813;3945(RC);5989(RC); 11186;76-4507(RC);
After all lab. tests completed	#10757(RC);
After decision to cite is made	#2123(RC);
By area director	#6344(RC);
How to determine time of decision	#6794;
After Labor Dept. approved issuance	#5521;9740;10687(RC); 12215(RC);
At issue	#4350;
Affirmative defense (See Defense)	#2038;4182(RC);
Burden on R to establish not	#2123;6794;
Discussion of	#687;744;2123;3248; Todd;
Mandatory	#2123;
May be as to one and not another item	#1780;

CITATION (Cont.)
Promptness in issuing (Cont.)
At issue (Cont.)

Must be raised in pleading (See Jurisdiction, same subject)	#744(RC);1036(RC);1097(RC): 1105(RC);2960;4182(RC);5540; 6283;
Must show when decision process ends	#5960;
Prejudice required	#77-3886; 79-2380(RC);80-6717; Stephenson;
R must raise	#665;687;692;744;1036;1037(RC); 1183;1420(RC);2123;2567(RC);
Show prejudice by delay	#1487;2097(RC);2960;4415(RC); 4956(RC);5303(RC);5540(RC); 6804(RC);9740(RC);9760;10687(RC); 12215(RC);76-4507(RC);77-2484; 78-2589;
Waiver as defense if no NOC	#2114;
When raised	#4172;
As soon as Area Director could complies	#11543;
Decision to cite	#8116;
Defense of requires prejudice	#6277(RC);
Delay must be unconscienable	#5540(RC);10639;10687(RC);
Exceptional circumstances in Bureaucratic wrangling not	#6794(RC);
Patently unnecessary & unreasonable delay	#6794(RC);
Factors to determine	#10698;

CITATION (Cont.)

Promptness in issuing (Cont.)

Insufficient typists	#11222;
Jurisdictional issue May be raised anytime	#319(RC);497;1036; 1037(RC);
Mailed to R after mailed to informer	#829(RC);
Massive inspection as reason for delay	#79-25;
More than 6 months after viol.	#77-1003;
More than 6 months after viol. observed but within 6 mos. of inspec. date	#77-4350;
Prejudice not est. because witness memory faulty where hearing 7 mos. after inspection and R did nothing to preserve	#78-1595;
Reasonable Determined by facts in each case	#391(RC); #7606(RC);
Reversed	Chicago Bridge;
RC will not second guess and only vacated where delay unconscionable	#8500(RC);
Six month limitation	Bloomfield;
Within 3 days after CO's report rec'd.	#5057;
Within 3 days after soil analysis rec'd.	#5724;7388;
Within 3 days after sample analysis rec'd.	#10757;

CITATION (Cont.)
Promptness in issuing (Cont.)

Within 4 days of inspection	#5475;
Within 6 days of inspection	USS;
Within 8 days of inspection	#6191;
Within 10 days of inspection	#11092(RC);
Within 11 days of inspection	#4704;
Within 14 days of inspection	#13693;
Within 17 days of inspection	#117;15690(RC);
Within 19 days of inspection Not unconscionable	 #76-1498;
Within 22 days of inspection	#13693;
Within 27 days of inspection	#7360;
Within 28 days of inspection	#1626;1627;
Within 30 days of inspection	#5540(RC);
Within 33 days of inspection not	#2490;
Within 34 days of inspection Ship no longer under R's control	#2490(RC);2651; Todd;
Within 35 days of inspection	#464;
Within 36 days of inspection	#11222;

CITATION (Cont.)
Promptness in issuing (Cont.)

Within 40 days of inspection not	#2430;
Within 42 days of inspection not	#78-1907;
Within 45 days of inspection	#769;
Within 49 days requires prejudice	Bethlehem III;
Within 51 days of inspection	#1255;
Within 60 days of inspection	#2128;
Within 64 days of inspection	#9740(RC);
Within 67 days of inspection	#1420;
Within 69 days of inspection	#1780;
Within 76 days of inspection	#2123;
Within 89 days of inspection	#1487;2567;
Within 104 days of inspection	#10687;
Within 111 days of inspection	#2214;
Within 117 days of inspection	#497(RC);
Within 125 days of inspection (no good)	#6794(RC);
Within 128 days of inspection	#678;1482;
Within 131 days of inspection	#2939;

CITATION (Cont.)	
Promptness in issuing (Cont.)	
Within 156 days of inspection	#78-5310;
Within 3 months of inspection	#1487;
Within 4 months of inspection	#678;1482;
Within 6 months of limitation	#79-2380(RC);Bloomfield;GE;
Within 7 months after accident but two months after inspection	#1700;
Protective clothing	
Not worn but cited as not providing	#1871;
Received by respondent	
Established by return receipt card	#9890(RC);
Respondent misidentified in	
Harmless if R not prejudiced	#4090;4395(RC); #4626(RC);
Same violation at different locations - several citations	#4182(RC);
Separate for each violation	#2870;
Serious violation	
Lesser included	#4172(RC):Vy Lactos;
Service	
On foreman or supt.	#5731;76-1698;Buckley;
Contra	#76-2165(RC);
On jobsite	
Not necessarily fatal	#14839;78-5997;
Only on designated officials	#12699(RC);76-1698;

CITATION (Cont.)	
Service (Cont.)	
Refused	#5023;
Wife	#4309(RC);
Single citation for each inspection	#8859(RC);
SOL authority to issue limited	#76-308;
SOL determines scope	#76-4572(RC);
Specific reference to NEC not corrected by complaint to new section	#849;
Specific standard over 5(a)(1)	
Only if standard addresses part. hazard	#78-6177;
Specificity lacking	#2541;79-2510;REA;
Cured by complaint	REA;
Must specify section of NFPA relied on	#2183;
Statutory vehicle for notice to party	Bloomfield;
Supplemental	
Timely NOC to new violation but not to old	#3230;
Vacation of	#604;78-1361(RC);
Contumacious conduct required	#77-3861(RC);
Failure to post	#4793(RC);
Failure to present evidence at hearing	#80-999(RC);
Prejudice	#11865(RC);

CITATION (Cont.)	
Vague (See Standard)	#764;823;1761;1763;
Violation being corrected at time of inspection	#1142;
What it is	#6792;
When final cannot be amended	#76-4699;
Who issues	#1722;4503(RC);
When state has concurrent juris.	#11092(RC);
Who to	
Prime v. sub.	#412;413;
Withdrawal	
After NOC - only w/RC approval	#2939(RC);
Employee may not object	#11581;
Not unilateral	#2579;2739;2939;
SOL cited wrong standard	#80-6482;
CITATION IN DECISION	
Labor Department publication	#2116;
CIVIL PROCEEDING	#3347;
CLOSING CONFERENCE (See Compliance Officer)	
COAST GUARD REGULATIONS VIZ OSHA	#10820;77-4234(RC); 79-4905(RC);79-6896;
CODE OF FEDERAL REGULATIONS (See Standards)	

COLLATERAL ESTOPPEL (See Res Adjudicata)	#587;2873;7855(RC);76-140(RC); 10798(RC);Cont. Can;(CCH 23,696)
Discussed	Buckeye
Requires actual prior litigation	#7855(RC);
COMMERCE	
Apartment building not	#1605;1654;2213;
Business affecting (See Affecting Commerce)	
COMMON LAW DUTY	
General duty is statement of	#471;
COMPLAINT (See Citation; EMPLOYEE, Complaint)	
"And at other times", too indefinite for use in	#678;
By employees under section 8(b)(1)	
Copy to R	#2128;
Form for (OSHA-7)	#563;829;
By non-employees	
Authorized	#563;829;
Citation equivalent to	#76-4761(RC);80-1612(RC);
Contra	#79-6850(RC);80-75;80-1672(RC);
Corrects defect in citation	#456;REA;
Defect in not necessarily fatal	#370;1262;
Where R had notice of	Savina;
Deviates from citation	
Constitutes amendment of	#167;186;496;1036;5992(RC);
Due to inadvertence	#370;

COMPLAINT (Cont.)	
Deviates from citation (Cont.)	
Dismissed because not timely	#1106;
Dropping item in citation is abandoned	#538;694;810;
Error in corrected by Judge	#538;
Failure to file	#78-5813;79-6850(RC);80-75(RC);
Full litigation of unlisted item satisfied due process	#456;
Includes issue not contested & R answers	#78-1799;
Includes item not contested and final	
Does not reinstate	#1098(RC);
Failure to amend	#80-3733;
Failure to file	
Contumacious conduct	#80-1416(RC);80-5986;
Contra	#80-1612(RC);80-2234(RC);
Lack of prejudice shown	#80-75(RC);
R may waive but not judge	#80-1636;
Filing Mandatory	#79-6850(RC);80-75(RC);80-1612 (RC);80-1672(RC);80-6008(RC);
Item in not denied in answer is admitted	(See Rule 33(b)(2), this index);
Item omitted is considered dropped	#538;694;810;2453;3223;
May amend citation if employer on fair notice	#72;285(RC);

COMPLAINT (Cont.)	
May incorporate citation by attachment	#3235;
More particular statement	#1262;
Nonreceipt by R	#3481(RC);
Not sole form of notice	#7711;
Not timely	#572;78-3352(RC);
Any excuse will serve	#12528;76-3721;
Not ground for reversal	#79-7223A;Nat. Ind.
One day late not fatal	#76-93(RC);
Specific standard to 5(a)(1)	#1264;
Unsupported allegation in	#367;
Untimely	
Contumacious conduct	#80-6008(RC);
Defense of requires prejudice	#78-523;79-4950;79-6850(RC); 80-75(RC);80-1612(RC);80-2234(RC); National;
Waiving time requirement	#572;
Who may make	#563;
Withdrawal by Secretary (See)	#1153;2579;2739;2939;
5(a)(1) to specific standard	#1046(RC);
COMPLIANCE (See Abatement)	
Financial difficulty no excuse	#1306;
Impossibility	#154;239;295;335;1698;2043;

COMPLIANCE (Cont.)	
Inconvenience of not defense	#7925(RC);
Inferred re future	#106;
Must be safe also	#76-360;
No assurance of future - not fatal	#106;563;646;
Prevented by police intervention	#81-614;
COMPLIANCE OFFICER	
Ability to determine violations	#14895;
Authority	
De Facto and De Jure	#76-171(RC);80-1636;
Closing conference	#1221;
Defective	
Cured by prehearing and trial	#5324;
Not necessary to specify viols.	#825;2703;
Failure to hold	#76-657(RC);79-5789;
Failure to identify as such not	#13321;
Credentials (See CREDENTIALS)	
Entry not denied	#81-635;
Expert	
Paint content	#1487;
Exposure to hazard	
Need not in order to check violation	#145;
Impropriety of actions by	#2888;4012;79-5707;80-6601;
Little experience	
Opinion not accepted	#13348;77-2735;79-3392;79-7156;
Multiple representation	#79-569;

COMPLIANCE OFFICER (Cont.)	
Must see violation (See Violation)	#79-1554;
Contra	#80-6793;
Nonexpert v. expert witness	#4145(RC);
Notes of inspection	
Disposition of	#2339;
Opinion of subordinate to RC	#13529(RC);
Opinion at variance with area directors	#79-4612;
Opinion at variance with standard not sub. evid. to est. violation	Bethlehem III;
Prejudice of	
Prior employment by R doesn't estab.	#3460(RC);
Recognition of expertise	#90;16200(RC);80-2760;
Lack thereof	#79-4615;79-6145;
Representations by	
OSHA should not deviate from	United Parcel
Statements by not binding on Secretary	#78-6214;
Suggestion of followed by R at his peril	#13955(RC);
Testimony	#78-332;79-2215;81-264;
Lack of credibility	#78-204(RC);78-4479;79-2379;81-27;
Testimony from memory	#137;
COMPLIANCE OPERATIONS MANUAL (COM)	#876(RC);8165(RC);
Compliance with implied	#837(RC);
Directed by Congress	#1;

COMPLIANCE OPERATIONS MANUAL (COM) (Cont.)	
Effect of	#829(RC);4182(RC);11865(RC); 13155(RC);16067(RC); 76-752(RC);77-1811(RC);81-1366(RC);
Follow up inspection	#80-785;
Industrial hygiene	#80-785;
Audiometric testing required	#80-1841;
Not binding	#14315(RC);16067(RC);76-2721;
Not standard or substantial rule	#14302(RC);
Official notice of	#123;
CONSENSUS STANDARD	
Discussion of	#563;76-5255(RC);79-936;
CONCLUSION OF LAW	
Must be supported by FoF	#14822;GE;
CONFERENCE	
Closing (See Compliance Officer)	
Informal discretionary	#4484(RC);
CONFLICT OF LAWS	
State v. Federal	#1697;2014;
CONSOLIDATION OF CASES	
Does not signify co-respondents are single entity	#849;
CONSTITUTIONAL ISSUES	
Act does not violate	Atlas;Lake;
Administrative remedies must be exhausted first	Lance Roofing Co.;
Must be raised before Judge	Stockwell;

CONSTITUTIONAL ISSUES (Cont.)

Affecting Commerce (See)	**#1324;**
Burden of proving on one who challenges	**#345;2847;**
Commission Members obliged to support	**#76-357(RC);**
Delegation of powers	**#28;78-523;**
Due process	**#22;78-523;**
Satisfied by administrative procedures	**#471;**
Satisfied by full litigation	**#456;**
Evidence re may not be received	**#801(RC);**
Fourth Amendment issues	
Barlow's not retro.	#6352(RC);14907(RC); 16265(RC); 77-3121;78-2739(RC);
Equates with Sec. 8(a) of Act	#76-3241(RC);79-2452;
Must be raised before RC	Bethlehem III;
RC competent to consider	#77-2788(RC);
Warrants	#80-1308;80-2378; 80-4971(RC);
Jury trial not required	#16265(RC);Irey;Beall;Atlas;Mohawk;
Lack of notice of standard's specificity	#78-327;
Of standard	#345;14188(RC);
Penalty, civil	Irey;Am. Smelting;Lake Butler; Mohawk;

COMPLIANCE OPERATIONS MANUAL (COM) (Cont.)	
Effect of	#829(RC);4182(RC);11865(RC); 13155(RC);16067(RC); 76-752(RC);77-1811(RC);81-1366(RC);
Follow up inspection	#80-785;
Industrial hygiene	#80-785;
Audiometric testing required	#80-1841;
Not binding	#14315(RC);16067(RC);76-2721;
Not standard or substantial rule	#14302(RC);
Official notice of	#123;
CONSENSUS STANDARD	
Discussion of	#563;76-5255(RC);79-936;
CONCLUSION OF LAW	
Must be supported by FoF	#14822;GE;
CONFERENCE	
Closing (See Compliance Officer)	
Informal discretionary	#4484(RC);
CONFLICT OF LAWS	
State v. Federal	#1697;2014;
CONSOLIDATION OF CASES	
Does not signify co-respondents are single entity	#849;
CONSTITUTIONAL ISSUES	
Act does not violate	Atlas;Lake;
Administrative remedies must be exhausted first	
Must be raised before Judge	Lance Roofing Co.; Stockwell;

CONSTITUTIONAL ISSUES (Cont.)

Affecting Commerce (See)	**#1324;**
Burden of proving on one who challenges	**#345;2847;**
Commission Members obliged to support	**#76-357(RC);**
Delegation of powers	**#28;78-523;**
Due process	**#22;78-523;**
Satisfied by administrative procedures	**#471;**
Satisfied by full litigation	**#456;**
Evidence re may not be received	**#801(RC);**
Fourth Amendment issues	
Barlow's not retro.	**#6352(RC);14907(RC); 16265(RC); 77-3121;78-2739(RC);**
Equates with Sec. 8(a) of Act	**#76-3241(RC);79-2452;**
Must be raised before RC	**Bethlehem III;**
RC competent to consider	**#77-2788(RC);**
Warrants	**#80-1308;80-2378; 80-4971(RC);**
Jury trial not required	**#16265(RC);Irey;Beall;Atlas;Mohawk;**
Lack of notice of standard's specificity	**#78-327;**
Of standard	**#345;14188(RC);**
Penalty, civil	**Irey;Am. Smelting;Lake Butler; Mohawk;**

COMPLIANCE OPERATIONS MANUAL (COM) (Cont.)	
Effect of	#829(RC);4182(RC);11865(RC); 13155(RC);16067(RC); 76-752(RC);77-1811(RC);81-1366(RC);
Follow up inspection	#80-785;
Industrial hygiene	#80-785;
Audiometric testing required	#80-1841;
Not binding	#14315(RC);16067(RC);76-2721;
Not standard or substantial rule	#14302(RC);
Official notice of	#123;
CONSENSUS STANDARD	
Discussion of	#563;76-5255(RC);79-936;
CONCLUSION OF LAW	
Must be supported by FoF	#14822;GE;
CONFERENCE	
Closing (See Compliance Officer)	
Informal discretionary	#4484(RC);
CONFLICT OF LAWS	
State v. Federal	#1697;2014;
CONSOLIDATION OF CASES	
Does not signify co-respondents are single entity	#849;
CONSTITUTIONAL ISSUES	
Act does not violate	Atlas;Lake;
Administrative remedies must be exhausted first	Lance Roofing Co.;
Must be raised before Judge	Stockwell;

CONSTITUTIONAL ISSUES (Cont.)

Affecting Commerce (See)	**#1324;**
Burden of proving on one who challenges	**#345;2847;**
Commission Members obliged to support	#76-357(RC);
Delegation of powers	#28;78-523;
Due process	#22;78-523;
Satisfied by administrative procedures	#471;
Satisfied by full litigation	#456;
Evidence re may not be received	#801(RC);
Fourth Amendment issues	
Barlow's not retro.	#6352(RC);14907(RC); 16265(RC); 77-3121;78-2739(RC);
Equates with Sec. 8(a) of Act	#76-3241(RC);79-2452;
Must be raised before RC	Bethlehem III;
RC competent to consider	#77-2788(RC);
Warrants	#80-1308;80-2378; 80-4971(RC);
Jury trial not required	#16265(RC);Irey;Beall;Atlas;Mohawk;
Lack of notice of standard's specificity	#78-327;
Of standard	#345;14188(RC);
Penalty, civil	Irey;Am. Smelting;Lake Butler; Mohawk;

COMPLIANCE OPERATIONS MANUAL (COM) (Cont.)	
Effect of	#829(RC);4182(RC);11865(RC); 13155(RC);16067(RC); 76-752(RC);77-1811(RC);81-1366(RC);
Follow up inspection	#80-785;
Industrial hygiene	#80-785;
. Audiometric testing required	#80-1841;
Not binding	#14315(RC);16067(RC);76-2721;
Not standard or substantial rule	#14302(RC);
Official notice of	#123;
CONSENSUS STANDARD	
Discussion of	#563;76-5255(RC);79-936;
CONCLUSION OF LAW	
Must be supported by FoF	#14822;GE;
CONFERENCE	
Closing (See Compliance Officer)	
Informal discretionary	#4484(RC);
CONFLICT OF LAWS	
State v. Federal	#1697;2014;
CONSOLIDATION OF CASES	
Does not signify co-respondents are single entity	#849;
CONSTITUTIONAL ISSUES	
Act does not violate	Atlas;Lake;
Administrative remedies must be exhausted first	Lance Roofing Co.;
Must be raised before Judge	Stockwell;

CONSTITUTIONAL ISSUES (Cont.)

Affecting Commerce (See)	**#1324;**
Burden of proving on one who challenges	**#345;2847;**
Commission Members obliged to support	#76-357(RC);
Delegation of powers	#28;78-523;
Due process	#22;78-523;
Satisfied by administrative procedures	#471;
Satisfied by full litigation	#456;
Evidence re may not be received	#801(RC);
Fourth Amendment issues	
Barlow's not retro.	#6352(RC);14907(RC); 16265(RC); 77-3121;78-2739(RC);
Equates with Sec. 8(a) of Act	#76-3241(RC);79-2452;
Must be raised before RC	Bethlehem III;
RC competent to consider	#77-2788(RC);
Warrants	#80-1308;80-2378; 80-4971(RC);
Jury trial not required	#16265(RC);Irey;Beall;Atlas;Mohawk;
Lack of notice of standard's specificity	#78-327;
Of standard	#345;14188(RC);
Penalty, civil	Irey;Am. Smelting;Lake Butler; Mohawk;

CONSTITUTIONAL ISSUES (Cont.)	
Posting OSHA poster does not violate	Lake;
RC lacks authority to determine	#17;28;48;74;155;323;345(RC);456; 503;681;701;916;1009;1040(RC); 1324;1504;1874;1875;1889;2028; 2805;3552(RC);15690(RC);76-4637; 77-3773;78-523;Buckeye;
Contra	#1863;
Review Commission may	
Determine applicability	#1053;
Increase penalty	Sheehan;
Section 5(a)(1)	#10;471;
Seventh Amendment not applicable to administrative proceedings	#15690(RC);76-891(RC);Irey;
CONSTRUCTION INDUSTRY (See Const. Work below)	
Discussion of what is	#1689;5139(RC);76-186;
Each employer on site responsible to all employees	#12775(RC):Underhill;
Employee defined	#2097(RC);
Engaged in	
Dismantling crane as	#1888;
Dismantling derrick as not	#5139(RC);5991;
Removing steel furnace core as	#1689;
Where shares common goal of constructing	#14620(RC);
Includes	
Construction manager	#5064(RC);14620(RC);
Architectual engineer not (dist. Const. Mgr.)	#2165(RC);

CONSTRUCTION INDUSTRY (Cont.)	
Includes (Cont.)	
Landscaping, planning and construction but not lawn mowing, etc.	**#1646;**
1910 does not apply to	**#7290;**
Contra	**#76-190(RC);**
CONSTRUCTION OF (See STANDARD and STATUTE)	
CONSTRUCTION SAFETY ACT	#567;13874(RC);
Not applicable	#6418(RC);
Validly promulgated	#15230(RC);80-3921;
RC can't challenge	#12525(RC);76-181(RC);76-891(RC);
CONSTRUCTION STANDARD	
Delivery to site not enough to make subject to	#1324;
Effective date of	#2097(RC);
Facts surrounding act. determine	#14281(RC);
Gas drilling	
Not covered by	H-30;
Landscaping comes under	#1646(RC);
Oil drilling not covered by	#15854;76-2165(RC);77-3581;H-30;
Contra	#80-4976;
Oil prod. not covered by	#76-1308;77-1334(RC);
Properly adopted	#1889(RC);
Telephone installers under	#9627(RC);4210(RC);15841(RC); 76-2516;

CONSTRUCTION STANDARD (Cont.)	
Who covered by	#5064(RC);6007(RC);12651;
CONSTRUCTION WORK	
Architect not	#2165(RC);81-954S;
Barges	#15757(RC);
Building maintenance not	#5378;
Construction manager as doing	#5064(RC);
Contract entered into prior to 4-27-71 R still subject to Act	#1307(RC);Underhill;
Defined	#1324;1389;1646;1689;1888;1889; 9627(RC);15169(RC);76-186;Bechtel;
Delivery man	
Not in	#1324;5139;
Unless he assists builder through unloading, etc.	#5139(RC);
Dismantling derrick as	#5991(RC);
General industry standard applicable to	#14523(RC);
Geophysical exploration not	#78-6265;
Logging not	#15169(RC);
Moving telephone poles as	#4210(RC);
Oil drilling not	#76-2165(RC);
Relining kiln not	#4725(RC);
Remodeling is	#12651;

CONSTRUCTION WORK (Cont.)
  Replacing broken wire is #77-3127;
  Telephone cable splicing not #14761(RC);
  Telephone installation is #15841(RC);
  When working on water is #11007;

CONTINUANCE
  Basis for #8629(RC);79-5707;80-3115;

CONTRACT
  Effective date #3344(RC);

CONTRACTOR (See Employer)

CONTROLS
  Administrative
    SOL est. prima facie when he shows limiting exposure poss. #618;3827;
  Generally
    Must achieve substantial reduction in noise to be feasible #6352;
    Tech. & econo. feasible required to be proved by SOL #77-1022;

CONTUMACIOUS CONDUCT #76-171(RC);79-1059(RC);79-6850(RC);80-75(RC);80-1416(RC);80-6008(RC);

CORPORATE OFFICERS #14910(RC);

CORPORATION
  Multiple with common personnel
    Amend. proper to name correct R #15009;

COSTS OF TRIAL (See Attorney's Fee) (28 USC 2412;Rule 55(b), FRCP)
  Only if R prevails (Court of Appeals level only) Beall;McGowan;

COSTS OF TRIAL (Cont.)	
Not before RC	McGowan;
R may not recover	#15242(RC);McGowan;
COURT OF APPEALS (See APPEAL TO)	
Against rule	#4507(RC);9507(RC);13122; 14620;14858;
Appellant restricted to issues raised	Buckeye;Bethlehem III;
Circuit Ct. will only consider issue raised below	Felton;Keystone;
Collateral estoppel as to issue not appealed from Dist. Ct. and not litigated before RC	Buckeye
Exhaust adm. remedies discussed	Keystone;McGowan;Kockrem;
Law of the case	#77-1807(RC);
Party must file brief before RC if requested in order to appeal	McGowan;
PDR required to go to CA	#75-2010;Keystone;Stockwell; McGowan;
Remanded by	#77-1895(RC);
Does not vacate standard	#14951(RC);
RC action required before ct. will consider	McGowan;
RC decision during	Lance;
Warrant issues must be raised below (See WARRANT)	BethlehemIII;
"COVER" (1504.43-Hatchcover)	
Defined	#1;

CRANE	#80-2771;
Backhoe	#6759(RC);8841(RC);78-4479;
Employee in use of	Butler;
Inspection	
By whom	Gerosa;
Installed prior to Aug. 1, 1971	#14948(RC);78-2462(RC); 78-3280(RC);78-5998(RC);
Not motor vehicle	#12200;
Observer	
Failure to have	#1320;
Positively served	#76-1567(RC);
Swing radius	#15046(RC);
Applied to crawler mounted	#5008;
CREDENTIALS	
Failure to present	#902;1483;4058;5324;76-1115;
Prejudice required	#5619(RC);
To subcontractor	#916;
Formal presentation not required	#3699;
Inspection only after presenting	#477(RC);920;1228
Contra	Hartwell;
Must be presented only if CO did not have auth. to be on site	#2240;
4th Amendment would bar a warrantless search	#477(RC);

CREDENTIALS (Cont.)	
Presentation of	#3699;
Not necessary if R knew CO	#2240;5581;
To ship boss when R's manager not found	#3821(RC);
Presumption of authority	#76-171(RC);
Suppression of evid. only if R prejudiced by CO failure to follow inspection procedure	#78-1353;Accu-Namics;Western;
Taking of pictures prior to presenting	#4012;5258;
Valid inspection as to sub if CO presented to general	#916;
Violation observed prior to presenting	#509;2829;4058;78-727
CREDIT	
State penalty - none	#2014;
CRIMINAL PENALTY	
OSHA penalty not (See Penalty)	#1504;
CYLINDERS	
Compressed gas	
Empty are covered	#810(RC);
May project if exploded	#1858(RC);1860(RC);
Prospect if exploded	#1558(RC);1860;
Standard does not apply to empty	#810;1127;
When not in use low level gravity	#354(RC);

DECISION (See Sec. 8(f)(1))	
Based on issue tried	#2128(RC);
Based on stipulation	#2474;7284;7862;
Brief	#1263(RC);
Findings of fact (See)	
Form of	#25;124;413;
Must reflect amended motion	#1034;
Must set forth basic findings of fact	#76-431(RC)
On stipulated record	#3657;
Only decide issue before ALJ	#1263(RC); 77-1796(RC);
Precedent	
Not if on review	#2214;
Preponderance of evid. required to support	#16193(RC);
Quick required	Clarkson;
Unreviewed ALJ's	
Effect of	#77-1545(RC);
When made	
When received by RC	#722;
DEFAULT	
Judgment on	#4899;77-2716; 81-678;
Drastic sanction	Forteza;
Respondent failed to appear at hearing	#77-2720;78-5457;80-4532;

DEFENSE (See Violation)	
Adequate safety program as	
Eff. enforcement ess. element of	#13266(RC);
Must be communicated to employees	#11015(RC);12212(RC);
Must be equal to standard violated	#11015(RC);
Affirmative	
Burden of is on party raising	#1589;1593;2038;3945(RC);5572; 6790;78-3899;Dorey;
Employee misconduct(See Employee conduct, this heading)	#76-4475;76-5307(RC);78-2321; 78-2860; 78-3491(RC);80-4245; 80-5153;80-6325;80-6687;
Effective enforced safety rule establishes	#16162(RC);79-3392;79-5933;
Contra	#15690(RC); 78-3491(RC);80-3597;
Elements of	#76-2748(RC);77-2622;80-1866;
Employee is supervisor	#78-204(RC);78-2447;
Must be of work rule that is enforced and departure from unknown to R	#15721(RC); 80-1383;
Not applicable where R knew of violation	#76-2414(RC);
Not if it is foreseeable	#76-2551(RC);
Raises issue of whether training program adequate	General Dynamics;
Requirements to establish	#11028(RC);76-1538(RC); 76-4844(RC);78-2447;

DEFENSE (Cont.)
Affirmative (Cont.)
Employee misconduct (See Employee conduct, this hearing) (Cont.)

Safety program automatically in issue	#79-557;
Supervision of supervisory employees	#16265(RC);81-560;
"Except" clause	#13155;
Feasibility	
Includes technology & cost	Burgess;RMI;
General duty (See this heading)	
Greater hazard must be established	#10411(RC);76-2858;77-314(RC); 77-1545(RC);77-2616(RC);78-4611(RC); 79-3295;79-6035; 80-496;80-770; 80-2827;80-4420;81-109;81-346S; 81-1012;Southern Colo.;
Alternative means need only acc. partial protection	#15094(RC);79-4830;
Alternative means of comp. unavailable	#1231(RC);3735(RC);9353(RC); 79-3295;
Compliance more hazardous than noncomp.	#14907(RC);76-1844(RC); 76-2339(RC);77-2778(RC);79-4161; 80-4099;80-5547;
Different hazard doesn't est.	#77-3910;
Elements of	#13646(RC);15094(RC);15855(RC); 15892(RC);76-357(RC);76-470(RC); 76-1104(RC);76-1410(RC); 76-1567(RC);76-1718;76-4114(RC); 76-4169;77-1568;77-2663;77-2876; 78-1402;78-3899;78-4675;78-6032; 79-112;79-3431;80-2760;80-6003;
All must be present	#77-705;

DEFENSE (Cont)
Affirmative (Cont.)
Greater hazard must be established (Cont.)

Increased risk required	#80-1509S
New hazard not enough	#78-5958;
Not available to general duty viol.	#15169(RC);
Prefab. ext. walls in lieu of guardrails	#16059(RC);
Requires app. for variance first	Gen. Elec. II
Safety nets on steel erection not	#78-3126;
Impossibility of compliance (See this heading)	
Inferred for pro se	#78-5492;
Invalid standard as Burden of proof on R	 Atlantic & Gulf;
Isolated instance (See VIOLATION, Isolated Instance and Employee conduct, this heading)	#2082(RC);11552;12354(RC);76-2858; 77-1116;77-5878;78-1681;78-3839; 78-4070;78-4986;79-746(RC);80-3808S;
Elements of	#12398(RC);76-2414(RC);77-2762; 79-4733;;80-1866;80-4560;Ocean;
Good defense	#80-3597;Ocean II;
Leaning stack in warehouse	#77-3432;
Not if R knew	#76-2326(RC);80-6325;80-6344;

DEFENSE (Cont.)
Affirmative (Cont.)
Isolated instance (Cont.)

R must anticipate exposure	#76-5271(RC);
Rule not enforced	#76-3241(RC);80-4633;80-6325; 80-6344;
Work rule forbidding required	
Employee must be aware of	#77-2876;80-3866;
Jurisdiction	
State plan	#76-1201;
Lack of control	
R must show	Central of Ga.;
Lack of knowledge as	#2752;
Degree of diligence required to know	#78-3899;
Lack of ownership of equip. not	#13832(RC);
Must be raised early	#76-822(RC);
Must be raised in pleading	#5093(RC);
Must be raised before RC review	#14702(RC);
Noncomplying act is departure from workrule	
Workrules must be reg. enforced	#2295(RC);4713(RC);76-1393(RC);
Reasonable promptness is	#744(RC-Dis);6277;
R did everything it could to educate employees	
Examine safety program to determine	#9285(RC);76-1538(RC);

DEFENSE (Cont.)
Affirmative (Cont.)

R must est. and ALJ cannot shift burden to SOL	#6790(RC);
R must establish 3 elements	#13334(RC);76-165;
Safety program as	#80-5901;Ocean II;
Specificity lacking	#79-2510;
Standard would diminish safety	#3116;3735(RC);7918;
Contra	#80-496;
Burden of proof on R where standard specifies method	Burgess;
Compliance	
Back order of guard not	#4825;
Partial only	
Must also apply for variance	#14240(RC);
Compliance Officer only witness to viol. not valid	#76-3241(RC);
Cost of abating	#10;245;2856;7925(RC);
Employee conduct	#76-4627(RC);Champlin;Danco;
Failure to take other safety steps	#1087(RC);
Not if it conformed to employer's policy	Georgia;
Not if R knew of violation	#76-2326(RC);76-2414(RC);80-3320;
One on one supervision not required	#78-5637;
Took all necessary precautions to prevent violation	80-2036;80-3369;Gen. Dynamics;

DEFENSE (Cont.)

Employee conduct (Cont.)

Training an element if R relies on conduct of to excuse	Gen. Dynamics;
Emergency situation	#79-4222;
Exemption	
R must establish	#4616(RC);8285(RC);
Expense is not	#1602(RC);76-822(RC);
Failure to cite on earlier inspection	#78-583;
Foreman acting contrary to rules	#3069(RC);
General duty	
Abatement infeasible R need not show other means unavail.	#15169(RC);
Compliance creates add'l. hazards equal to cited hazard & not feasible to abate	#15169(RC);
Greater hazard not available	#15169(RC);
Greater hazard (See Affirmative, this heading)	
Hazard not present	#79-2813;80-5901;
Cannot be raised where SOL has determined that hazard exists when he issues standard	#76-93(RC);
Equivalent protection	#79-4222;

DEFENSE (Cont.)

Impossibility of compliance	#239(RC);295;355(RC);1731(RC); 2043;2232;2579(RC);2792;3586; 3735(RC);4235;6628;6972;8454(RC); 11171;13646(RC);15052;15472(RC); 15855(RC);76-2339(RC)76-2748(RC); 76-2858;76-4114(RC);77-1091(RC); 77-2588; 77-4476(RC);79-112;79-6035; Southern Colo.;Bristol;
Alternative means must be unavailable	#15855(RC); 77-893(RC);77-2876; 77-3543;79-2053;80-4099;
Alternative means need only accomplish partial prot.	#15094(RC);79-4300;80-5547;
Discussion of	#15094(RC);78-5920(RC);
Alternative means initiates defense	#9850(RC);77-553(RC);
Burden of showing on R	#6484;12883(RC);14005(RC);76-3488 (RC);78-2739;78-5920(RC); Southern Colo.;
Does not infringe SOL's auth. re variance	#6972;
Elements of	#15094(RC);77-2876;
Guarding point of operation	#77-893(RC);
Guardrails prevent material delivery	#16059(RC);
Hazard of compliance greater than noncompliance	#9353(RC);11171(RC);
Not avail. if facts permit var.	#12063;
Impedes work	#394(RC);471(RC);2232(RC); 14005(RC); 77-893(RC);78-2321;
Inconvenience insufficient	#80-4428;
Infeasibility	#80-5124;

DEFENSE (Cont.)

Impossibility of compliance (Cont.)

More than mere hindrance req.	#14249(RC);15855(RC);76-822(RC); 76-5302;
No alternative	#77-705;77-3910;80-5288S;
Only if no practical way	#2346(RC);
R must show it took alternative steps	#14907(RC);76-2349(RC);
R used only means available	#79-1719;
Security requirements	#79-1575;
Standard can not be asserted as basis for	#80-496;80-2827;
Variance involved	#703(RC);
Work slowed by comp. not	#15206;80-234;

Impossibility of performance	#12883(RC);16200(RC);76-181(RC); 76-1844(RC);76-1718;76-2349(RC); 76-4507(RC);76-5089(RC);77-314(RC); 77-1091(RC);79-4262;79-4300; 79-5737;
Impractical	#7925(RC);78-4675;
Inconsistent permitted under FRCP 8(e)(2)	#76-2326(RC);
Inconvenience as	#1208;3042(RC);78-4675;
Infeasibility Not aff. defense	#76-4114(RC);Bristol;
Inspection procedure not followed Must be raised below	#76-926;

DEFENSE (Cont.)

Isolated instance (See Affirmative, this heading)	
Interferred with const. practice	
R must seek variance and defense rejected	Dic-Underhill;
R must show other means not useable	Dic-Underhill;
Interferes with production not	#77-3693;
Knowledge	
Lack of as	#79-2638;
Must be timely raised	#4419(RC);10330(RC);
Must be timely raised before RC	
Exception - Exceptional circumstances as Barlow	Todd II
Negligence of employee as	#83;
Prejudice	
In preparation of defense as defense	#76-3241(RC);
Multiple technical violations estab.	#78-4986;
Previous inspection didn't cite not valid as	#77-672;78-1384(RC);
Raised after trial is waived	#78-656;
Raised in Court of Appeals initially	RMI;
R did not create or control hazard	
If est. must show alt. steps or lack of knowledge	#3694(RC);12775;80-1268;80-4029;
Type of violation considered in this context	#3694(RC);
Realistic measures to abate	#15825;

DEFENSE (Cont.)

Realistic measures to protect	#12174;79-2129;
Remand	
R restricted to those raised initially	#9627(RC);
RC cannot raise unless R does	#9353(RC);
SOL can negate by showing essential elements could be implemented and then R must rebute	#76-1801(RC);
SOL does not have to prove hazard prev.	#12501(RC);
Steps taken are as good as standard	#3142;
Sua sponte raising of by ALJ	#13692(RC);
Subcontractor generally	#78-3494;
Subcontractor need not anticipate prime creating hazard	New England T & T
Subcontractor not responsible for viollative nonserious cond., is not in viol.	#14022(RC);
Subcontractor who neither created nor controlled hazard	
Lack of knowledge required	#78-3979;
May est. alternative methods as def.	#77-3050(RC);
Sustained by preponderance of evid.	#703(RC);
Unavoidable accident	#84(Rev. by RC);

DEFENSE (Cont.)

Union not responsible for safety	#80-6737;
Unpleaded May be tried with express or implied consent	#76-2748(RC);
Unpreventable	#14884(RC);16147(RC);76-3105(RC); 76-4627(RC);77-983;77-2115(RC); 78-204(RC);78-5637;79-7156; 80-175;
Employee conduct - Elements	#13874(RC);16162;76-181(RC); 76-3010(RC);77-617(RC);77-2117 (RC);78-3839;78-6265(RC);79-162; 79-1173;79-3515;79-4455; 80-1025;80-1987S;80-2036; 80-3597;80-6344; 81-1655S;
Exposure time	#80-3407;
Violation of company safety rule as	#85(RC);3069(RC);3551(RC);77-983; 78-1363;78-6265(RC);80-3716;
Violative cond. created by sugg. of CO not valid	#13955(RC);
Warning to employees not adequate	#80-6344;
Willful charge Absent prior viol. not a defense but factor in determining willfulness	Nat. Steel;

DEFINITION OF WORDS(See WORDS AND PHRASES)

DELEGATION OF POWER

Adjudicative function to RC not unconst.	Beall;
Presumption of regularity	#76-171(RC);

DE MINIMIS VIOLATION	
Characterize	#1(RC);13996(RC);16184(RC); 76-4507(RC);
Defined	#123;145;76-4371(RC);78-2894(RC);
If no dir. relationship to OS&H	#1105(RC);7987(RC);15631(RC); 77-617(RC);77-2235(RC); 78-187(RC);
Dirty washbasin as	#445;
Exit signs where exit clearly visible	#13071(RC);
Electrical	
Meets 1975 but not 1973 NEC	#15983(RC);
Face mask over beard	#77-2235(RC);
Failure to keep accurate injury report	#78-3161;
Fall of 5' not	#77-2526;
Fire sprinkler missing	#78-2026;
Food wrappers as debris	#76-3103(RC);
Forklift unattended	#80-1436;
Hazard has negligible relation to health and safety	#13401(RC);13750(RC);78-332; 78-2894(RC);
Hazard trifling	#76-1924(RC);76-1930;78-31(RC);
Injury log, failure to keep	#1578;2185;
Labeling	#81-1562;
Ladder cleats as	#1750;

DE MINIMIS VIOLATION (Cont.)

Lathe chuck guards	#78-1568;
Minor cuts	#79-53;
Negligible violation	#80-1224(RC);
Order changing citation to	#145;79-1813;
Pit as	#7987(RC);
Platform railing as	#2613;
Railings on stairs on an incline	#13750(RC);
Recordkeeping as	#4387(RC);
Rung rusty	#77-2876;
Rung spacing	#76-814(RC);76-3444(RC);77-2922(RC);77-3645;79-4335;
Separate toilet compartment	#4734;
Sewing machine guards as	#5007(RC);76-1410(RC);78-5818;
Slight overload of crane	#77-2876;
Slight probability of injury is deemed	#76-1435;
Stiffeners	#77-2922(RC);

DE MINIMIS VIOLATION (Cont.)	
Temporary hole in floor as	#299;
Toilets	#3701(RC);
Violation not shown to affect safety	#503;80-1866;
DEMONSTRATION	
Establishes violation	#3990;
DEPOSITION	
Need not name persons to be deposed	#77-4100;
DIRECTED VERDICT	#1806;
DISCOVERY, DEPOSITIONS AND INTERROGATORIES(Also see INSPECTION)	
Ancillary matters	#76-2005(RC);
Compliance Officer's notes	#11007(RC);76-2552(RC);
Discretion of ALJ	#12212(RC);13490(RC);13732(RC); 79-570(RC);
But abuse can lead to reversal	#11865(RC);13490(RC);79-2225(RC);
Enter R's plant to secure information	
After initial inspection	#4385(RC);11865(RC);76-2005(RC); 77-2512(RC);77-3854(RC); 78-1811(RC);
Even if info. prev. available	#4385(RC);
Non federal employee where trade secrets are	
Adequate protective order protects R	#76-1468(RC);77-648(RC)
Only by other government agent	#4385(RC);
To check noise	#11865(RC);77-2512;

DISCOVERY, DEPOSITIONS AND INTERROGATORIES (Cont.)

Entry for reinspection	#77-2512(RC);78-1811(RC);81-2102;
Failure of R to cooperate	#803;1324;1343(RC);1889;4762; 5784(RC);79-2225(RC);
Failure of SOL to cooperate	#79-1059(RC);79-2667(RC);
Governed by Rule 34, FRCP	#4385(RC);78-235(RC);
Informant's name (See INFORMANT)	#78-235(RC);79-512;
Informer's privilege Witness generally not	#79-512;
Motion for is timely if before trial formally set	#13068(RC);
Motion Disposition reviewed only if ALJ abused disc. and prej. resulted	#11007;12831(RC);
Too late	#13732(RC);78-5911;
Name of one interviewed not discoverable Test for	Stephenson;
Noise standards violation	#11865(RC);13490(RC);81-2102;
Opposing attorney's materials Elements necessary to permit	#10833(RC);
Production of documents	#77-2512;79-570(RC);
Protective order	#4385(RC);77-648(RC);
Reentry generally permissible	#78-145(RC);

DISCOVERY, DEPOSITIONS AND INTERROGATORIES (Cont.)	
Citation not specific	#1645;1763;
Relevant to material issue	#76-171(RC);
Ruling re only an abuse of discretion Reversed	#78-145(RC);
Sanctions for failure to answer interrogatories	#5784(RC);
Scope	#11865(RC);
Trade secret where nonfederal expert involved	#4385(RC);76-2005(RC);
Trial may be delayed 3-6 weeks to permit	#13068(RC);
Within discretion of Judge	#78-145(RC);81-2102;
Work product	#12817(RC);13401(RC);79-570(RC);
DISCRIMINATION	
Different penalties not	#1761;
Inspect one employer & not another	#14516(RC);
Lack of uniformity as	#1833;
DISMISSAL (See MOTION, Dismissal)	
DUE PROCESS	
Act does not deprive	#22;
Adequate warning	#80-1841;
Adm. procedures comport with	#471;1262;

DUE PROCESS (Cont.)	
APA hearing satisfies	Beall;
Civil discussed	#3905;
Does not require math. precision in drafting regs.	Diebold;
NOC satisfies	Clarkson;
Sufficient warning to conform to avoid what is forbidden	#76-1053(RC);Rose v. Locke, 96 S.Ct.243;Diebold;
What is	#15855(RC)(note 11);
DUST	#1600;1919;2142;
DUTIES	
Of employer	
Discussion of	#85(RC);
May not be delegated to employee	#237;

EAR PROTECTION
  Furnished but not used #158;

ECONOMIC FEASIBILITY (See BURDEN OF PROOF and FEASIBLE ENG. & ADM. CONTROLS)

EFFECTIVE DATE
  Construction standards #306;657;827;1127;1307(RC);2081;

EFFECTIVE SAFETY PROGRAM
  Elements of #13244(RC);

ELECTRICAL INSTALLATION
  "on job site"
    Overhead wires not #406;

EMPLOYEE
  Actions affecting liability #258;298;

  Alcohol affecting actions of #78-866;

  Assumption that individual is #259;1333;1531;

  Burden of showing R's on government #1333;

  Cannot be charged with violation #12099(RC);13332(RC);

  Casual #76-596(RC);

  Cease and desist #624;

  Charged with violation (See Joinder, this heading)

  Company officer as #17;440;1424;1960;4012;8823;78-5818;

  Complaint #80-6960;
    Anonymous discussed #77-3773;

EMPLOYEE (Cont.)	
Complaint (Cont.)	
Failure to inform R of	#2128;
Not jurisdictionally fatal	#130(RC);
Former	#78-5264(RC);
Furnish to employer	#2128(RC);
Based on imminent danger phone call	#78-1353;
Compliance by - responsibility is in part his	#82;419;979;
Contra	#9295(RC);
Construction defined	#2097(RC);
Contacted by CO during inspection	
Non-disclosure of name	#5873(RC);
Co-owner as	#1424;1960;4012;
Crane operator hired out	#103;890;15299;
Death effect of	#79-3394;
Definition of	#103;146;147;782(RC);1445(RC); 9342;13331(RC);79-5507;79-6071 (Dis);
Deliberate violation to hurt employer	#2651;
Disobeying instructions resulting in injury	#141(RC);258;259(RC); 624;979;
Error by	
Did employer know he violated standard	#4635;

EMPLOYEE (Cont.)

Evidence does not show they worked for R	#690;
Experienced	
Employer has less resp. for	#3458;
Contra	#80-1256;81-529;
Exposure (See VIOLATION, EXPOSURE)	
Foreman's violative acts att. to R	#410;916;3826;77-3772(RC);
Hired for specific task (welder)	#76-1408(RC);
Hired from hiring hall	#3821(RC);
R may assume qualified to do what Union says can do	#76-3569;
Hired out to another	#970(RC);5510(RC);
Inadequate training of	
Imputes knowledge to R	#76-31;
Identification of	
By reps. of R and union	
Admission of into record	#1955;
Independent contractor	
Distinguished	#78-1618;
Is	#12661;
Contra	#3542;
Who is employer of	#14801;76-1408(RC);
Inexperienced	#22;184(RC);419;1186;16235(RC);
Intructions to	
Repeated or isolated	#22(RC);141;

EMPLOYEE (Cont.)	
Investor working in business	#9342;
Joinder of	
May not be forced	#12099(RC);
Joint employer	#1626;1627;
Loaned to other R who is in viol.	#970;1889;5510;14306(RC);
Maintenance man as	#1716;
Medical records accessible to	#80-7116;
Member of family is	#76-2669;
Migrant labor paid on piece basis is	#14303(RC);
Misconduct of (See 90 Harv. Law Rev. 1041 and DEFENSES)	
Defense to, must show adequate safety program	#11028(RC);80-4560;80-6344;
Does not excuse employer	#22;
Violation only if demon. feasible measures exist to reduce and not taken	#76-2551(RC);ITO Corp.;
Violation if R knows of it	#16265(RC);76-4475;
Negligence of does not excuse R	#83;832;
Contra implied [cf. 979]	#9;271;5157;77-0983;Myers;
Negligence of eliminates serious	#271;
None on premises	
No Sec. 5(a)(1)	#1008;1881;

EMPLOYEE (Cont.)

Not at duty station	#8123;
Number of as indicator of size	#93;
Number of exposed determine gravity (See Gravity)	
One who works for commission or share	#78-1848;
Order to obey standards	#4897(RC);
Partner not	#14;BLS Bulletin
Working partner is	#4005;
Party status of	#2547(RC);10340(RC);
Not elected	
Entitled to notice	#78-2485;
Not indispensable	#12284(RC);
Participation in settlement	#76-1056;78-1381;78-2485
Proof of	#146;147;2287;2507;
Proved to be R's by nature of work	#76-3103(RC);
Reckless by does not establish knowledge of R	Cotter;
Representative (See Employee Rep)	
Entitled to meaningful participation	#76-2293(RC);
Notice of stip. withdrawal not necessary if not party to proc.	#1916;
Who is	#890;2128;

EMPLOYEE (Cont.)
  Responsibility of employer cannot be shifted to #9295(RC);

  Sterilization of #79-5762(RC);

  Stevedore on day-by-day hire is #3821;

  Strike effect of #79-3624;

  Sub's charged to general #77-3966;

  Sub's on general's payroll #782;

  Supt. violates est. safety rule #3551(RC);

  Tools of #1539;

  Transportation
    At jobsite, means of #85(RC);1539;

    Furnished by employer is workplace #7673(RC);

  Unexpected action by #22;

  Violation of rules #3069(RC);3551(RC);
    Penalty vacated #594;

  Volunteer as #6688;

  Who is #103;733;2507;4808;9342;12661;16246;

EMPLOYEE REPRESENTATIVE
  Defined #2979;78-446(RC);

  Entitled to meaningful participation #76-2293(RC);78-127(RC);

EMPLOYEE REPRESENTATIVE (Cont.)	
May not enforce or take over prosecution	#10340(RC);
May only contest abatement date in settlement	#3449(RC);77-4109;
May present evidence even though parties have stipulated	#76-4056;
May present evidence re alleged viol.	#6661(RC);
May raise issue of penalty	#722(RC);
NOC only to period of abatement	International Union;
Right to hearing	#722(RC);
Who is	#2128(RC);
EMPLOYER	
Absolute duty to eliminate preventable hazardous general duty practices	#76-658;
Actual is liable even though his status is hidden	#76-3302;
Agent at site	#681;1296;1405;2007;
Senior employee as	#9739(RC);
Borrowed servant	#16180(RC);
Broker, labor	#3816;76-980;Dayton;
Business closed	#79-6649;
Cannot contract responsibility away	#9090;80-3708;

EMPLOYER (Cont.)

Compliance with standard	
Not if it will diminish safety	#703(RC);
Construction management firm as	#621;849;850;851;1038;1423;2081; 6418(RC);14620(RC):14858;
On a state project	#1165(RC):
Construction supervising company as	#6418(RC);14620(RC);
Control of worksite not determinative	#7390(RC);
Control of employees shared	#76-4899(RC);
Defined(See 29 CFR 1975.4)	Sec 3;Law;#103;118;154;237;258; 621;773;849;1889;1953;2665;2684; 3816;6688(RC);9122;76-4988(RC); 77-2720;77-4234(RC);78-1618; 79-6071;80-3473;Life Science;
By RC only	Gilles & Cotting;
Common law def. not applicable	#14801(RC);76-4899(RC);Clarkson;
Economic realities test used	#14801(RC);Gilles & Cotting;
Single entity	#77-3909(RC);
Determined by purpose of Act	Frohlick;
Doctrine respondeat superior not applicable	#82;
Economic realities factor in determining who is	#14801;Gilles & Cotting;
Employee leased to other employer	#3433(RC);3444(RC);9122;
Controlled by employer	#158;226;258;544;797;1205;1284; 1445(RC-Dis);76-4988(RC);

EMPLOYER (Cont.)

Employee relationship	
Contractual	#146;147;621(RC);2719;
Factors which establish	#504(RC);773(RC);890;1445(RC); 2507;2719;3816;81-27;
Must exist	#621(RC);
Facts determining who is	#1362(RC);14801(RC);76-4406; 76-4899(RC);76-4988(RC); 77-1755;77-2720;
Farm workers	#14801(RC)78-1103(RC);
Final responsibility	#258;
But not for subs. acts	Southeast;
If controls site	Underhill;
Foreman's acts imputed to under certain circumstances	#16223(RC);
Foreman represents	#3551(RC);5421;79-0864;
General contractor	
Not resp. for sub's employee	#4179;80-6325;81-954S; Gilles & Cotting;Southern Contrs.;
Reversed	#765(RC);3694(RC);4409(RC); 8468(RC);12775(RC);13029(RC); 78-5327;
Liable if it could have prevented or abated	Knutson;
Required to test sub's equipment	Knutson;
Incorporation not determinative of status	#78-47(RC);

EMPLOYER (Cont.)

Independent entity	#77-3909(RC);
Interlocking corporation	#80-4859;
Joint as to deceased of one	#237(RC);
Joint employee	#1626;3816;
Joint venture	#69(RC);Bloomfield;
One employer's foremen supervises other's men	#13972;
Knowledge of violation	
Employee complaints	#79-4858;
Imputed by presence of foremen	#14;83;85;124;259;298;301;419;777;1296;1345;1405;1858;1930(RC);2011;2283;4448;10478;80-3896;80-7081;
Even where he violated co. rule	#5811(RC);13266(RC);
Contra	#2548;3551;5811;16223(RC);Horne;
Leadman	#13315(RC);
Lack of absolves	#89;181;237(RC);258;259;355;419;1284;1858;2081;80-6924;
Distinguished	#85(RC);237;1423;
Liability	
Elements of	Knutson;
Serious v. nonserious	#355(RC);2692;Horne;Alsea;
Leased crane and operator and standard is violated	#890;990;1362;1889;2578;2719(RC);3433(RC);3444(RC);16180(RC);Frohlick;
Lessor responsible	#3433(RC);

EMPLOYER (Cont.)

Liability for previous owner	#337;
Liability of not absolute	#76-2636(RC);77-2117(RC);79-6090; REA;Getty;
Loaned employee	#7390(RC);
May not delegate his duties to employee	#237;725;832;
Medical records	#80-7116;
Meets responsibility to employees no viol.	#3458;
Migrant labor crew	#14801(RC);78-1103(RC);
Multiple on same site (See MULTIPLE EMPLOYERS and SUBCONTRACTOR)	
Conditions governing liability	#12892;13122(RC);16256(RC); Bratton;
Exposure not determined by CO	#3772;
Must abate and prevent hazards under its control	#76-1408(RC);78-846;79-2899;
Obligated to employees of others on his site	#76-1408(RC);
Rule re not restricted to construction industry	#76-1408(RC);79-5496;
Steps for sub to take if doesn't control hazard	#16147(RC);16256(RC);78-3031; 79-2827(RC);80-3462;
Who to cite	#14822(RC);

EMPLOYER (Cont.)

Must ask for employee complaint if wants to claim lack of due process	#2128;
Must use guard so as to not create hazard	#3282;
Not an insuror	#43;82;89;184;258(RC);259;355;564;981;1409;1888;2576;3551(RC);3942;4307;76-5007(RC);77-2115(RC);79-6090;80-385;Alsea;Ocean II;
Not required to protect against "willfully reckless"	#79-5933;
Not required to supervise one on one	#82;89;419;
Where employee working at another worksite	#237(RC);
Not required to protect against willful neglect	#5157;
Not responsible for acts of independent contractor (too broad)	#6566;
Not to sub's employee on his payroll	#782;
Numerous on job and CO doesn't determine who's exposed to alleged violation	#3772;
Obligation of	#419;
Downstream employees re labeling	Am.Pet.Inst.
Elements to make liable for sub.	#810;1375;1971;2507;
Greater to inexperienced employee	#85;184(RC);1186;
Guard against carelessness and laxity	#90;258;
Less to exp. and qual. technician	#89(RC);329(RC);
Contra	#515(RC);

EMPLOYER (Cont.)	
Obligation of (Cont.)	
Should have foreseen need to assist crane operator	#406;
To employees for someone else's violation	#637;690;1636;1858;1886;1888;1973;2011;Anning;Clarkson;
New policy in	#3694(RC);4409(RC);5139(RC);8468(RC);9627(RC);11259(RC);12255(RC);12775(RC);13122(RC);14683(RC);76-2902(RC);76-5203(RC);79-221;79-864;79-2519;79-4080(RC) 79-5785;79-7060;80-898;80-2985;80-3241;80-4029(RC);80-4822;
Limited to const. sites	#3901(RC);13843(RC);Beatty;
To employees of another R	#949;1858;3901(RC);79-3951;80-923;Underhill;Am.Pet.Inst.
Under Sec. 5(a)(1) and standards	#258;827;
One employee constitutes	#773;76-4026(RC);
Permitted violation	
Actions negating charge	#207;
Defined	#3025;
Need not show to est. serious	#85;
Prime Contractor (See General, this heading)	
Reliance on clear language of stat.	#211(RC);
Reliance on experienced employee	#3069;79-2328;
Representative	
Who is	#681;2007;
Union contract cannot change status of in fact foreman	#12632(RC);

EMPLOYER (Cont.)
- Responsibility
  - Act of supervisor #2266;
  - Cannot be shifted away #688;725;890;922;1362(RC);1615;1953(RC);1971;2856;76-2748(RC);78-1384(RC);79-2519;79-3032;79-6674;80-923;81-226;Georgia RR;
  - Common law defense no excuse REA;
  - Common law v. statute #82;85(RC);154;
  - Employee
    - Exposure to others hazard #1515;Anning;
    - Refusal
      - To wear hard hat Atlantic & Gulf;
      - To wear safety belt #1184(RC);
  - Employees tools #1539;
  - Equal to exposure #7414;
  - For experienced employees #76-1803(RC);
  - For loaned employee #5510(RC);
  - For other employees #15538(RC);80-4711;Am.Pet.Inst.;
  - For own employees #184;224(RC);425;504;637;674;688;949(RC);1636;1722(RC);1858;1886;1991;1995;2081;2266;3271;77-3772(RC);80-4822;
    - Exception, construction subcontractor #12755(RC);
    - In areas where not expected to work #295;1382;

EMPLOYER (Cont.)
Responsibility (Cont.)
For own employees (Cont.)

On site he does not control	#1345;2C39;13122(RC);13980(RC); 76-1803(RC);76-4988(RC);
Supervisor's acts	#515;981;3551(RC);Horne;
Using someone else's equipment	#922;1886;3643;80-7081;Clarkson;
Only liable for hazards discoverable by reasonable diligence	#258;3643;79-3374;
Violation due to other employer not factor	#224;1037;1722;3552;4140;4760; 5139(RC);14858;80-3896;Anning;
Unless knowledge of it requires expertise	#76-4073;
Where sub's employee injured	#119;146;237;773;4239;
Where there was access and he took no alt. measures	#76-853;77-3652;79-3489;79-5270; 80-3462;
Working at other employer's site	#237(RC);637;1953;1971;1991;
For safety	#77-2762;80-6737;
For scaffolding erected and maintained by general	#76-2411;
For serious violation if subcontractor	#11232;
For statement of its supervisors	#5582;
For unsafe equip. used by employees	#13071(RC);79-1921;
For viol. of ind. cont. while on premises	#76-2458;

EMPLOYER (Cont.)
Responsibility (Cont.)

For violations of subs.	#12775(RC);76-2326(RC);78-5492;
Generally	#5985;
Guard against human fraility	#76-3010
If met no violation	#3458;
Instruction insufficient to free workplace of hazard	#13535(RC);
Multi-contractor site	#3694(RC);4409(RC);8468(RC);12775(RC);16184(RC);76-5203(RC);77-3772(RC);78-5623;79-538; 79-2537(RC);79-3368;79-4982;79-5642;80-2232;
Applied to any employer	#76-1408(RC);77-3050;79-2940;
For subs	#76-1512(RC);76-4754(RC);
Periodically examine and test electrical equipment	#44;258;302;
Prime and subcontractor both liable	#567;588;610;1128;1995;
Prime not responsible for subcontractors	#413;504(RC);597(RC);773;3262;4239;
Sale of business	#3066;
See that viols. don't exist	#76-3337;80-3708;
To experienced employee is less	#3458;
Contra	#16062(RC);
To insure policies carried out	#258;302;410;515;
To not create hazards	#8468(RC);

EMPLOYER (Cont.)	
Responsibility (Cont.)	
Ultimately responsible	#2286;
Unexpected action by employees	#22;1221;1858;2576;
Where he relies on testing by other contractor	#1636;1888;
Safe workplace provided	#981;80-385;
Safety supervisor as	#76-4406;
Several but single violation	#17;
Which to cite	COM(vii-7);#413;
Size of job factor in determining efforts to comply	#4453;
Small	
If gross $500,000 or less	#442(RC);
Subchapter "S" officers as	#9810;
Subcontractor (See)	
Supervision by	#1815;
Must be reasonable	#2842;
Obligation of	#154;
Supervisor	
Acts bind	#124;515;1670;
Duties and responsibilities determine	#11499;
Using another's employee on regular basis	#2719(RC);

EMPLOYER (Cont.)

Violations by foreman	#3069(RC);
Warning of danger	
Discussion on	#130;773;
Not enough	#80-6344;
Without adequate help not enough	#416;
Without proper supervision	#777;
Who is	#773;6308;14910(RC);Clarkson;
Company overseeing bldg. const.	#13013;
CO's testimony	#77-4487;
Determined by facts in each case	#9810;15393;
Determined by intent of Act	Gilles & Cotting;
General not of sub's employees	#504(RC);
Leased equipment (See, this title)	
Legal question	Gilles & Cotting;
Loaned equip. (See, EQUIPMENT)	
Lumber co. hiring loggers from cutter	#77-1646;
Only one employee	#76-4026(RC);
R retained control and designated foreman over others	#7390(RC);
R rel. control to general's foreman	#15393;

EMPLOYER (Cont.)	
Who is (Cont.)	
Union hiring hall not	#3821(RC);Clarkson;
Yacht club with member employee	#76-4026(RC);
ENGINEERING AND ADM. CONTROLS	
SOL must est. feasible exist	#4474;
ENGINEERING CONTROLS (See FEASIBLE ENG. & ADM CONTROLS and BURDEN OF PROOF)	
ENTRAPMENT	
Demonstration as	#1960;5572;
ENVIRONMENT	
Testing	
Required even though area does not test at prohibited level unless evidence indicates extreme unlikelihood of such levels	#8902(RC):GAF;
EQUAL ACCESS TO JUSTICE ACT	#79-69;81-10S;
EQUIPMENT	
In shop for repair not a violation	#2983;
Loaned	#3444(RC);
Not owned by R but used by his employees	#922;1036;Frohlick;
Owner, lessor	#1362;1373;
Not resp. for hired out employee's safety	#3660;
Violates standard but not on job to be used in violative manner	#497;1151;
ESTABLISHED FEDERAL STANDARD	Sec. 3(10),Law;
What is	#1130;
ESTABLISHMENT	
Const. site as	#14523(RC);76-2401; 77-1999;

ESTABLISHMENT (Cont.)
- Defined #612;

ESTOPPEL
- Prior inspection as creating #77-1116;
  - SOL obligated to speak #11864(RC);

EVIDENCE (See PROOF)
- Accident report adm. to est. hazard #12831(RC);
- Admissibility #1942;
- Admission
  - By company official not hearsay #195;
  - Not conclusively established #80-4099;
  - Sole proof of violation #79-4335;
- Adm. by rep. of R or Union re id. of employee #1955;
- Affidavit
  - When admitted #78-2346;
- Air sample unrepresentative #76-3431;
- Best evidence rule #76-4429;76-5049;
- Business records include R's photographs #10833(RC);
- Circumstantial #2082(RC);2536; 79-1269(RC);
- Clear and convincing for nonserious viol. #425(RC);
- Compliance officer's worksheets
  - Admissable after employees names deleted #2630;5873(RC);
  - When produced #76-484(RC);

EVIDENCE (Cont.)

Conform pleading to	
Both parties must consent	#3502;
Credibility determination essentially unreviewable	#9994(RC);Olin;
Criminal acts effect on	#80-2474;
Deep trench as hazard not necessary	#1578;
Estimation of	
Accepted if unrefuted	#5873(RC);14536(RC);
Air contamination	#78-2006;
Basis for violation	#1127;
Dimensions supported by photographs	#78-4133;
Distances	#1165;
Height after actual measurement of part doesn't est.	#15420;
Speed	#9684;
Time exposed to noise not accepted	#268(RC);
Evenly balanced	
R prevails	#2888;4679;4705;
Exclusion of where insp. violated warrant req.	Savini;
Rule prospective and RC should develop evid.	Savini;
Exhibit	
Failure to object invokes waiver doctrine	#78-4674;

EVIDENCE (Cont.)

Expert opinion (See EXPERT OPINION))	
Exposure must be established	#2081(RC);
Failure to present material witness	
Hearsay of his testimony viewed with caution	#1409;
Failure to produce records est. failure to keep	#77-4009;
Federal Rules of	
RC has followed	#76-2552;79-2256;
Financial report of holding company not admissible	#78-4894;
Hearsay	
Accepted	
If R accepts	#59(RC);
If R's agent makes	#6007(RC);12139(RC);
When reliable or probative	#5110;76-1309;
Admission of	#4678(RC);5572;14907(RC);76-5197; 77-3668(RC);79-1552(RC);
To show conversation but not truth	#5622;
Adopted by R	#59(RC);
Compelling	Calif. Rotogravure;
Contradicted not accepted	#76-3028;
Corroborated	#1889;1231(RC); 79-1296(RC); 79-3295;
Not, no basis for decision	#668(RC);76-3340;

EVIDENCE (Cont.)
Hearsay (Cont.)

Does not establish violation	#513(RC);668(RC);937;2384;2896; 3223;
Discussed	#8293;77-4487(RC);
Exposure based on	#2311(RC);
Judge may reject	#2896(RC);
Learned treatise exception	#2311(RC);
Literature by expert	#2311(RC);
Literature by lay person	#77-1622;78-3126;
May support with other data	#59(RC);3271;
Must support	#2311(RC);5572;6053;
Not admitted	#2384;
Especially when refuted	#7092;
Not proper basis	#513;937;3223;
Probative value increased by corroboration	#11175(RC);
Rejected by RC must be sufficiently compelling for court to reverse RC	Calif. Rotogravure;
Should be admitted	#14907(RC);79-1552(RC);
Uncorroborated	#79-4424;80-473;81-27;
Refuted	#531;3518(RC);

EVIDENCE (Cont.)	
Hearsay (Cont.)	
Uncorroborated	
Supporting violation	#78-3031;
Unrefuted	#3518(RC);12652(RC);77-4487(RC); 79-1269(RC);81-407;
When to exclude	#7869(RC);
Incorp. prior transcript	#15114;
Illegally obtained not automatically excluded	Accu-Namics, Inc.;
Improper exclusion of	#49(RC);
Industry recognition of hazard	#76-5255;
Inference re nature of glasses	#76-2326(RC);
Judicial admission	#11340(RC);
Label to est. contents of can	#13832(RC);
Lab. report	
Compiler must support	#2313;
More likely than not	#78-4723(RC);
More than conjecture	#1008;
Movie film on safety as	#874;
Need not be presented if sole issue is legal	#855(Motion dec.);
Notes of witness	#78-4674;
Newly discovered after hearing	#1130;1746;1955;
Offered after trial	#77-226;

EVIDENCE (Cont.)

Offer of proof	
Must be permitted	#4533(RC);
Rejected	#76-2468;
Official notice (See OFFICIAL NOTICE)	
Opinion	
Based on photographs	#5288(RC);
CO's should be admitted	#9809(RC); 79-1269(RC);
Expert whether facts est. recog. hazard	#12879(RC);
Layman's	#9809(RC);76-20(RC);77-1133(RC);
On scientific matter	#2477;
Uncontradicted but not conclusive	#81-2102;
OSHA action in other cases not germane	#1305;
OSHA Magazine	
To support SOL	#77-1622;
To support R	#78-3126;
Penalty worksheet not enough to satisfy requirements for proof of penalty	#456(RC);
Performance standard	
SOL must establish acceptable standard	#7792(RC);
Photocopy	
Admission of	#78-4725(RC);
Photographs	
Absence of fatal	#80-7048;
Accepted where testimony not clear	#76-2326(RC);

EVIDENCE (Cont.)

Photographs (Cont.)

Illegally taken by family w/o SOL knowledge are admissible	#78-2090;
Telephoto from off-site	#76-3241(RC);
Post accident precautions	
Admitted to establish means of avoiding hazard	#4533(RC);
Post trial submission of	#10888(RC);78-1353;
Not accepted	#15242(RC);
Prehearing admissions	
Admission of	#130;
Preponderance required	#426(RC);452(RC);456;1815;1924; 2630;77-3666;78-6247(RC);79-4615; 79-6614;Nat. Realty;Olin;Irwin;
Test for	#79-4723(RC);80-5714;
Presented by R	
Beyond citation but within standard	#2133;
Pro se's argument not	#2843;
Proof of mailing	#6088;
Received re area not cited	
In issue by implied consent	#8969;
Record of prior proceeding	#3367;
Records	
Failure to produce est. failure to keep	#77-4009;
Relevant	
Discussed	#2490(RC);

EVIDENCE (Cont.)

Repealed state statute	#79-3222;
Repeat violation Not based on CO's recollection	#78-3568;
Report by authors whose reliab. was not established Not covered by FR of Evid. 703 but admissible	#14907(RC);
RC cannot add facts to support record	#456(RC);
Secured from street prior to inspection	#15919(RC);
SOL failure to produce records it subpoenas	#13380(RC);
SOL failure to produce evidence re "Affecting commerce"	#76-631;
SOL's remarks to media re valid. of std.	#79-1552(RC);
Speculation	#5093;79-6918(RC);
Standard Official notice of ANSI incorp. by reference	#14886(RC);
Statements prepared by CO for witness Availability to R after CO testifies	#6794;
Statements by R's agent	#6007(RC);
Stipulating record in transcript of another case	#6565(RC);

EVIDENCE (Cont.)

Subjective & speculative	#77-3422;78-2939;78-3054;
Substantial	
CO's conjecture not	#383;
Defined	#3223;Empire;West Point; Allis Chalmers;
Hearsay not	#77-1753
Rationality not equivalent to	Am.Pet.Inst.;
RC follows preponderance	#425;
What is	#14;326;425;836;1367;Beall;
Supports findings of serious violation even tho not charged as such	#690;
Technical publications	
Official notice of	#3528;
Testimony in prior case may be incorporated into record	#14122;
That violation due to gross negligence of employee does not sustain burden	#9;
Variances admitted	#77-617(RC);
Weight of testimony supported by photographs	#3826;79-4264;79-6128;
Worknotes	#78-4674;
R requests and G refused to produce	#1343(RC);
Worksheet adm. as regular business record	#76-2552;

EVIDENCE (Cont.)	
Work product privilege	#12817(RC);
EXCAVATION (See Trench)	
EXCULPATORY LANGUAGE (See SETTLEMENT)	#10798(RC);78-867;78-1155;78-1214; 78-1399(RC);78-1409;78-4449(RC);
Employee objection	#6283;
Type not permitted	#111;130;756(RC);1566;80-2793(RC);
Type permitted	#798(RC);1647;1942;2088;2194;3298; 77-3764(RC);78-1708;78-2081;79-929 (RC);79-2261(RC);79-5772-P(RC);
EXEMPTION	#454(RC);723(RC);827;1070(RC); 1306;1307;1588(RC);1863;13649(RC);
Burden of proving on R	#8285(RC);14291(RC);14536(RC); 76-4905(RC);
Contract with city to manage const.	#12651;
Political subdivision	#77-1290(RC);
R not instrumentality of state	#1165(RC);
EXHAUSTION OF REMEDIES	Fieldcrest;
EXHIBITS	
Admission of notes	#2346;
Laboratory sample	
Chain of custody not practical to est.	#8303;
Not returned after borrowed by profferer	#2651;
Photographs	
Admission of when taken prior to presenting credentials	#9303;

EX PARTE PROCEEDINGS	
Not held by RC	#869;
EXPEDITED PROCEEDING BEFORE RC	#1942;2815;
EXPERT OPINION	
Admission of	#2896;
As substantial evidence of viol.	#9;
Attorney work product	#12817(RC);
Based on other than 1st hand knowledge acceptable	#1551;
However must be able to particularize	#78-5321;
Does not est. 5(a)(1) violation	#13(RC);74(RC);1264;
Must be clear and convincing to substitute for testing	#2288;
Must be in area of expertise	#49;
Must have basis in fact and not solely opinion	#76-357;
Need not be accepted	#13964(RC);15037(RC);80-4844;
Even if uncontradicted	#76-93(RC);
Noise attenuation	#15362;
Non federal employee	
Trade secrets do not prevent entry on land where adeq. prot. order issued	#15965(RC);77-648(RC);
Notes by admitted	#78-4674;
Other safety regulations as	#19;

EXPERT OPINION (Cont.)	
Re soil not needed	#2843;79-914;
Testimony re abatement w/o seeing scene of viol.	#77-3856;
Unrefuted	#79-7185;
EXPERT WITNESS (See WITNESS)	
EXPOSURE TO HAZARD (See VIOLATION)	
Absence of precludes penalty	#4815;
Accessibility	Gilles & Cotting;
Determines	#3028(RC);3701(RC);12525(RC);16180(RC);76-1567(RC);76-2617(RC);76-4774(RC);76-4940(RC);76-5203(RC);77-2387;77-3652;79-4090;79-7165;80-1049;80-4029;80-5547;
Enough	#504(RC);1955(RC);3108(RC);9896;14886(RC);76-982(RC);77-3050;78-2965;80-1268;
Reasonable	#4145(RC);
SOL must prove	#13925(RC);79-4300;
Actual or access to hazard not required	#504(RC);3042(RC);14886(RC);Underhill;
Air contaminants	
One excessive reading enough	#77-2235;
As used in standard too general	#5320;
Based on definition of RC	Gilles & Cotting;
Brevity of doesn't negate violation	#76-88(RC);80-2571;

EXPOSURE TO HAZARD (Cont.)

Burden on SOL	#12708;
Cannot be charged while correcting viol.	#76-3337;79-3368;
Cannot be charged while raising scaffold	#76-5134;77-3646;
Circumstantial evidence may establish	#224(RC);13746(RC);76-4146(RC);
Defective equipment available for use	#13463(RC);76-982;
Duration of a factor in gravity only	#76-88(RC); 77-1807(RC);79-6493;
Employee in vicinity but not exposed does not establish violation	#8726;
Employer of other employees	#76-2617(RC);
Employee must be to est. 5(a)(1) viol.	#77-313(RC);
Employee must work in the area	#1165;
Employee only need access to hazard	#4145(RC);
Employee (sub) must contact responsible employer when sub's employees exposed	#78-3676;
Established if employees would have been exposed	#224(RC);
Evidence must establish	#247;504;949;3553;12708; 76-3488(RC);
Not established	#8221(RC);79-2548;80-5556;
Fall	
10' from floor edge	#78-3415;

EXPOSURE TO HAZARD (Cont.)

Fire extinguisher Defective on site establishes	#76-1087(RC);
Hearsay of mgmt. rep. to establish	#12311(RC);
Infrequent use does not determine	#2437(RC);
Potential may be inferred	#621(RC);79-1588;
May be inferred	#6976;14683(RC);
Even without measurement of prox. to hazard	#76-1108(RC);
May not be inferred	#9881;
Must be established by evidence	#967(RC);2081(RC);4870;12757(RC);
Necessary to get job done	#1207;1225;2081(RC);2693;
Need not be pleaded	#15598;
Not based on CO hearsay	#9597;
Number of employees Goes to gravity and not seriousness	#2270(RC);
Reacting to CO's request on walkaround	#78-5997;
Reasonable predictability of	#1231(RC);1758(RC);8096(RC); 11771(RC);12982(RC);79-2531; 80-1552;
Required to establish hazard	#78-3676;
Sampling accepted to establish	#6352(RC);14702(RC);

EXPOSURE TO HAZARD (Cont.)	
SOL must establish where R did not control site	#8221(RC);12651;78-1600;
Union steward testified re other employers workers	#6418;
Unknown to employer	#6566;
Walkaround rep. while accompanying CO	#13832(Note 7)(RC);78-5997;
What is	#250;412;419;1858;
5-7' from edge of floor	#4034;
While erecting guardrail no violation	#7420;80-6074;
While erecting safeguard	
Protect against needless exposure	#76-1538;Pike;
EXTENSION OF TIME	
Amended citation does	#1075;
To answer	
No authority	#721;
EXTINGUISHERS	
Inspection of	
Reasonable requirement	#123;

FAILURE TO ABATE	
Affirmative defense to	
Not in violation when originally cited	#2200(RC);7860; 12298(RC);16355;(but see Harrison Lumber)
Bankrupt respondent	#79-856;
Burden of proof	
Orig. cit. not viol., on R	#76-4043;
Continuing initial violation required	#509;77-1610;
Defense of (See Includes, this heading)	#9480(RC);13916(RC); Harrison Lumber;
Distinguish repeat violations	#306(RC);520;557;764; 791;914;1306;1576;1698; 2117;2236;2255;2343; 3092;3556;9480(RC);
Each day and not working day	#2687;
Economic feasibility in	#76-2958;
Effect on penalty	#348;557;587;640;791; 1078;2255;
Elements of	#9480(RC);
Equipment ordered but not available	#10104;
Estoppel, collateral	#587;
Excused due to bad weather	#2343;
Exposure ceased is defense	#587(RC);

FAILURE TO ABATE (Cont.)	
Extenuating circumstances	#4979(RC);
Good faith in penalty comp.	#5594;
Identical violation must be established	#12298(RC);13417;
Includes issue of whether there was a viol.	#245(RC);587(RC);900(RC);1539; 2408;
Contra	Harrison Lumber
May Judge amend cit. which became final	#14057;
Notice of right to contest required	#15761;77-2064;
Penalty (See)	
Premature	#306(RC);1599(RC);
After NOC to orig. cit. filed	#15051(RC);76-2132;
R misunderstood citation	#520(RC);
Secretary does not have to show exposure	#587(RC);
Where initial violation not contested	#245;603(RC);900(RC);
While R untimely contests	#78-4375;
FAILURE TO ANSWER	
Dismissal for	#1376;9350;79-1925;80-5006S;
FAILURE TO CONTEST ITEM	#524(RC);
FAILURE TO PROSECUTE	
Dismissal only for delay or contumacious conduct	#79-2225(RC);

FAILURE TO PROSECUTE (Cont.)	
Settlement negotiations adequate to explain	#78-145(RC);
FAILURE TO SERVE (See Dismissal)	#3443(RC);GE;
FARM WORKERS (See MIGRANT FARM WORKERS)	
FEASIBLE	
Administrative Controls	
Economic factors also considered	#8255(RC);78-145;RMI;
Economically infeasible	#78-5835;
Benefits outweigh cost	#79-3179;RMI;
Burden on SOL to prove	#6891;12203;79-3179;
Technology feasibility	#8255(RC);
Discussed	#3635(RC);12203;13119;13773;
Includes economic considerations	#2038;3973(RC);10609;76-222(RC); 77-3338;78-4947;79-6938; AFL-CIO;Arkansas;Turner;
Dollar amount that is	#76-5287;
Includes tech. & econ. factors	#79-361;RMI;
Noise reduction must be substantial	#6352;
Noise controls infeasible	#78-145;
Plant wide controls	#8165(RC);
FEASIBLE ENG. & ADM. CONTROLS (See BURDEN OF PROOF)	#2038;3635;3905(RC);
Availability burden on SOL	#10609(RC);78-5459;79-3009;
Does not have to be immediate	#10925(RC);

FEASIBLE ENG. & ADM. CONTROLS (Cont.)

Benefits outweighed by costs	#77-926;79-5493;
Cost benefit analysis required	#2038(RC);77-222(RC);77-580; 79-4077;79-6613;
Economic factors in	#3973(RC);6632(RC);7359(RC); 8165(RC);10609;11869(RC); 76-2957;79-1358;79-4077;
Burden on R	#4474;13773;15803;77-580; 77-4297(RC);78-5321(RC);81-65(RC); Am.Pet.Inst.;Burgess;Turner;
Must be specific	#77-1221;
Must reduce noise to standard level	#13643(RC);
Contra	#3973(RC);13068(RC);RMI;
Not devoid of meaning	
What is	#2038;
Not economical	#10925(RC);
Only if significant reduction in noise achieved	#78-1303;
Personal protection equip. feasible	#77-2545;79-4077;
SOL must est. by more than speculation	#7368;79-1723;80-385;
Existence and not feasibility	#78-5321;
Feasible exist	#4474;
Merely showing controls exist does not satisfy	#6632(RC);
What they are	#3827;7737(RC);
Tech. feasibility must be based on R's part. operation	#78-5321;

FEDERAL REGISTER	
Incorporating by reference	#76-4719(RC);80-3295;
Misprint in	#16059(RC);
FEDERAL RULES OF CIVIL PROCEDURE	
Rule 4	
Citation not equivalent to service of process	#4822(RC);77-4487(RC);
Rule 4(a)(2)	#79-2380(RC);
Rule 4(d)(3)	#1342(RC);78-4725(RC);
Rule 6(b)	#13659;
Rule 8(c)	#3818;76-5344(RC);78-918(RC);
Rule 8(e)(2)	#76-2326(RC);
Rule 12(b)	#3661(RC);14448;
Rule 12(c)	#10330(RC);
Rule 12(e)	#76-2049(RC);76-5162(RC);78-1054(RC);
Rule 15	#111;112;587;1046(RC);1623;11222; 29 CFR 2200.2;
Didn't contemplate our citation with subsequent complaint	#810;
Rule 15(a)(See AMENDMENTS)	#5479(RC);10136(RC);79-1552(RC); Marquette;
Applies since RC has no cont. rule	#14(RC);79-1552(RC);
Rule 15(b)	#867(RC);1036(RC);2739;2885(RC); 3502;3685(RC);4395(RC);4553;4704; 12525(RC);13685(RC);13732(RC); 13874(RC);14761(RC);76-4765(RC); 77-1334(RC);78-2923(RC);78-6247 (RC);79-928(RC);80-1866;80-3592(RC);

FEDERAL RULES OF CIVIL PROCEDURE (Cont.)

Rule 15(b) (Cont.)

Amendments under	
Absent prejudice freely granted where R afforded opportunity to offer add'l evid.	#9850(RC);13502(RC);
Consent implied if evid. introduced and not objected to	#16235(RC);76-896(RC); 76-2748(RC);79-864;79-4267;
Not permitted	#12686(RC);
Only if tried with consent	#3491(RC);76-2879(RC);
Prejudice absent	
Freely granted where R afforded oppor. to offer add. evid.	#13502(RC);77-632(RC);77-2014(RC);
Tried by consent RC bound to amend	#76-896(RC);
5 factors permitting	#510(RC);
Citation defective but R doesn't object	#2983;3197;
Post-hearing brief	#80-3592(RC);
Proper if issues tried	#4537(RC);
Sua sponte amendment to change standard permitted	#14236(RC);
Rule 15(c)	#10136(RC);79-2899;79-5707; 79-5954(RC);Bloomfield;Southern Colo.;
Rule 19	#12099(RC);

FEDERAL RULES OF CIVIL PROCEDURE (Cont.)

Rule 20 & 21	#14822(RC);
Rule 24(a) not applicable	#78-127;
But see dissent in	#77-3050(RC);
Rule 26(b)	#78-235(RC);
Rule 26(b)(3)	#10833(RC);12817(RC);79-570(RC); 79-2225(RC);
Rule 26(b)(4)(B)	#79-570(RC);
Rule 26(C)	#79-2225(RC);
Rule 34	#4385(RC);
Rule 36 Not adopted by RC	#76-909;
Rule 36(b) Amendment to requests for admissions	#7626(RC);
Rule 37	#803;1889;
Rule 37(a)	#79-2255(RC);
Rule 37(b)	#78-1361(RC);
Rule 37(c)	#6120;
Rule 38	Sheehan;
Rule 41(a)(1)	#76-4761(RC);
Rule 41(a)(2)	#920;1160;2579(RC);2939(RC); 3055(RC);76-4761(RC);79-3136(RC);
Rule 41(b)	#587;4533(RC);7554;9850(RC); 11865(RC);76-5307(RC);77-3861(RC); 78-145(RC);79-407;79-2225(RC); 80-999;

FEDERAL RULES OF CIVIL PROCEDURE (Cont.)

Rule 41(B)	
Proper to take under advisement	#5873(RC);
Rule 43(b)	#6015;
Adverse witness to est. jurisdiction	#6015;
Rule 55	#4867;13659;
Rule 56(1)	#4498;
Rule 56(c)	#2873(RC);7855(RC);
Rule 56(e)	#78-5940(RC);
Rule 60	#2309;Otinger;
Rule 60(b)	#77-2040(RC); 79-6605(RC);80-1920(RC); 80-2281;80-3848(RC);80-6988; 81-1988S;
RC may reconsider its own final dec.	#6031(RC);
Rule 61	#76-2748(RC);
Rule 301	#7869(RC);
Rule 401	#78-5920(RC);
Rule 408	#12817(RC);
Rule 703	#78-5920(RC);
Pertains to opinion evid. 7 not admission of document	#14907(RC);
Rule 1002	#76-4429;76-5049(RC);78-5046;

FEDERAL RULES OF EVIDENCE

Rule 602	#77-1133(RC);
Rule 701	#77-1133(RC);

FIELD INFORMATION MEMO	
Not binding	#78-144;
Promulgation can't be bypassed by	#80-1841;
FIELD OPERATIONS MANUAL (See COM)	
FINAL ORDER	
Collateral attack	#10798(RC);
Not reviewable	#587;78-25;
What is	Fieldcrest;
When occurs	#2100(RC);
FINDINGS OF FACT	
All must be compatible	#76-1924(RC);
Based on credibility will not be disturbed	#7184(RC);7454(RC);8468(RC); 77-1542;
Conclusive If supported by substantial evidence	Empire;West Point; Southern Colo.;B&B;
Depends on Judge's credibility finding	#456(RC);
Employee presence in area of violation	#12271(RC);
Factual required	#1263(RC);12931(RC);
Give evidentiary basis for CoL	Bethlehem IV;
Jurisdictional must be made even tho not in issue	#13134(RC);
Lack of	#76-431(RC);
Mandatory	#91(RC);3444(RC);5540(RC);14822 (RC);Butler;Goodrich;Bethlehem IV;

FINDINGS OF FACT (Cont.)

Must be explained	#16162(RC);
Must be specific	#11(Dis);124(Dis);76-431(RC);
Must be supported by record	Cape & Vineyard;
Must respond to contentions	Atlantic;
Narrative form acceptable	#14617(RC);
Need not be explained if reasons apparent	#8468(RC);
None made re constitutional issues	#801(RC);
Preponderance of evid. must support	#9764(RC);Olin;
RC conclusive if supported by substantial evidence	Accu-Namics;Atlantic & Gulf;Getty;
Serious violation	
What is required	#14458;
Should make on all points in issue	#12931(RC);76-1087(RC);U.S.S.:
Specific re knowledge	Vy Lactos;
Support by evid.	#3395(RC);Roth Steel Tube;
Judge's will not be reversed	#3395(RC);7987(RC);12516(RC);
Preponderance required	Olin;
RC will not reweigh evidence	#7184(RC);
Substantial conclusive on review	Beall;Arkansas;Rockwell; CTM;
Trade secrets	
Specific re required	#4385(RC);

FIRE EXIT	
Locked	#497;
FIRE EXTINGUISHER	
Cited for improper and uninspected for same equipment not valid	#503;731;793;1635;
Inspection	#77-207(RC);
Monthly	
Not established by lack of date tag	#434(RC):
Mounting	
Necessity for of empty	#731(RC);
Used for nonfire fighting purpose	#731(RC);
Portable	
All must be charged	#2185;
Water barrel not	#793(RC);
FIRST AID	#627;1364;1541(RC);1671;1687;2568; 6286(RC);79-3304;80-1636;SantaFe;
FLAMMABLE LIQUID	
Must be proved by testing (See Violation)	#836;
FLAT ROOF	
Fall protection - Discussed	#76-4361;78-3224;79-5605;
1926.28(a) & 5(a)(1) not appropriate	#77-1568(See 76-1140(RC));
Guarding policy of RC is by safety belts	#14907(RC);
Included in floor and platform (See Floor)	
FLOOR	
Does not include roof (See Roof Guarding)	#8173(RC);12135(RC);13064(RC); 77-3974(RC);80-457;Langer;Diamond;

FLOOR (Cont.)	
Opening discussed	#78-2544;
Temporary	#76-181(RC);77-2735;
Discussed	#4291;
What constitutes requiring guardrails	#1126;
FLOOR HOLES	
Escalator opening as	#1584;
G must prove they are type requiring guarding	#239(RC);573;583(RC);2023;
Includes roof openings	#364(RC);1295;
Must be large enough to walk into	#583(RC)(Overruled by 13832(RC)); 1127;
Requires floor	#111;
Wall opening distinguished	#1225;
FOREMAN	
Acts for management	#301;419;1186;78-711;Messina;
Negligent acts of don't necessarily excuse R	Ocean II;
Not if contra to R's insts.	#76-3337;Horne;
Not unforeseen if within scope of work	#5811(RC);
Safety program applies to	#80-1526;
FORKLIFT	
Not land highway vehicle	#1607;
Training required	#80-7140S;

FORMS	
#100 (log of occupational injuries, etc.)	#612;1578;
Info avail. but not on form	#3090;
#102 (Summary occ. injury, etc.)	#612;
#200	#78-3161;
FORMULA	
Precision of for penalty	#4;
FREEDOM OF INFORMATION	#79-2261(RC);
Employee's complaint not subject to	#13;440;
Employee's statement must be made available if he testifies at hearing	#13;
Investigative files not subject to	
Factual data already released and CO's conclusions sought	Wodzenski v. Moore-McCormack Lines (USDC Md. 5-11-73);
Judge determines privilege	#1343(RC);
OSHA training material	Stokes;

GENERAL CONTRACTOR (See Prime, Violation)	
GENERAL DUTY (See Sec. 5(a)(1))	
Unshored excavation as (See Sec. 5(a)(1))	#19;
Violation (See Sec. 5(a)(1))	
Violation only if duty cap. of achievement	Hanovia Lamp;
GENERAL INDUSTRY STANDARDS	
Telecommunication industry	#4210(RC);
GOOD FAITH	
Abatement	
Efforts to affecting penalty	#4212;
Failure to affecting penalty	#69;
Immediate as	#494(RC):
Based on post-insp. cooperation	#1040(RC);15538(RC);
Before and after violation considered	#1040(RC);
Criticism of Act as reflecting	#833;
Defined	#33;2577;76-3444(RC);Inters. Glass (Note 19);
Determined by all the facts	#1040(RC);
Effect on penalty	#624;
Exercising constitutional right does not effect	#78-3532;

GOOD FAITH (Cont.)
  Extent of
    Look at overall program #401(RC);

  Factors in #4;465(RC);857;1040;

  Failure to abate as factor #69;

  Failure to act after indicating settlement #14541;

  Failure to answer does not establish #551;

  Failure to certify abatement est. lack #467(RC);

  Includes post inspection conduct #1394(RC);

  Lack of not lightly presumed #551;1228;

  Lack of overrides and no ded. allowed #11;33;48(RC);1306;

  Limited reflects on #44;58;1466;

  Number of machines in viol. affecting #3560;

  Number of viols. not fact in #1830;

  Observations during walkaround utilized in #6007(RC);

  Offset by history #557(RC);

  Small employer as factor #4865;

  Substantial weight to #7370(RC);

  Removing employees from site is not good faith #15538(RC);

GOOD FAITH (Cont.)
  Violations at sev. sites does not negate #503;

  What is #250;881;1306;2311;

  What is not #690;980;1320;

  Willful violation negates #919(RC);1734(RC);
    Contra #77-4471;

GRAIN ELEVATOR OPERATION
  Not agriculture operation (1910.267(b)) #1671;

GRAVITY
  Blocked passageway not low #503;

  Defined #401;585;

  Determined by all the facts #76-2414(RC);

  Elements of #85;91(RC);124(RC);
  465(RC);591;867;919;
    That modify #1369;79-3167;

  Employee exposure low #383(RC);585(RC);1883;79-6493;

  Enhanced by number of employees exposed #43;124;1955(RC);
    Other contractors exposed employees
    don't effect #688;

  Explanation of #4;401;585;

  Failure to abate
    Factor in #445(RC);

  Grave not established by tech. viol. #805;

  Guard violation #1305;

GRAVITY (Cont.)
  Hazard principal factor #741;

  High #48;91;

  Likelihood of accident as factor #91(RC);123;403(RC);583;591;801;867(RC);1833;

  Low quality calls for reduced penalty #85(RC);383(RC);79-1630;
    Defined #583(RC);591(RC);

    Electrical grounding reqs. as #801(RC);

    Few employees exposed for brief period #1127;

    Insuff. overhead sprinklers as #1941;

  Not clear from record #1049;
    Insuff. light but not how much #1615;

  Not established #2311;

  One employee for short time #319(RC);

  Only if hazard exists #1410(RC);

  Particular emphasis on #702(RC);

  Principal factor #4;11;48(RC):83;

  Probability of accident a factor #403;4044;79-1588;

  Riding headache ball is low #4408;

  Serious but only one employee exposed #1405;

GRAVITY (Cont.)

Unrelated to similar viol. in other business #1305;

GUARDING (See Machine and WORDS & PHRASES))

HARD & COMPACT SOIL(See TRENCH)	
HARDHATS (See PROTECTIVE CLOTHING & EQUIP.)	ITO
Steps relieving R when employee does not wear	278 Atl. 2d 318;#259;1516;2588;2818;2870;3824(RC);3985(RC);4884;(RC);4897(RC);5168(RC);6565(RC);7177(RC);7522(RC);12099(RC);13332(RC);79-6671;80-1609;80-4844;
More than order to wear required	#10554(RC);79-0460;
HARRASSMENT	#80-2087;
Prosecutorial discretion	#77-705;
"HAZARD"	
Absence of	#2004(RC);79-569;
Actual knowledge of (See KNOWLEDGE)	
Defined	#1916;2043;76-1791;79-5762(RC);
Due to vandalisum	#79-3304;
Exposure enough	#4356(RC);76-592(RC);
General knowledge of not enough, cited ind. must know	Magma;
History of accidents not necessary to establish	#76-4636;
Hydrocarbons as	#78-2589;
Industry practice only an aid in establishing	#14907(RC);78-4508;
Injury record as establishing	#78-2321;78-5920(RC);80-3102;

"HAZARD" (Cont.)

Legislative history to define	#79-5762(RC);
Lesser of two	#77-3589;
No way to avoid	#323;
Not based on test. of R's employees	#77-3856;
Not forseeable	#79-5507;
Not inappropriate word in standard	#8842(RC);
Not readily apparent	#77-508;
Obvious	#16265(RC);76-592(RC);76-1104(RC); 76-1844(RC);79-1081;79-2724; 79-7060;
Possibility must be determined by R	#16096(RC);
Precautions to take against known	Gen. Dynamics;
Precautions not in recognition of a	#80-6182;
Presumed if standard not complied with	#76-530(RC);77-1091;
Presumed to exist in some cases	#7987(RC);
Reasonable man test	#14899(RC);15037(RC);16200(RC); 76-1844;76-2383(RC);78-1879; 78-4508;79-407(RC);79-1263; 79-5235;79-5324;80-658;80-2849; 80-3295;Bristol;Cotter;
Determines	#14907(RC);80-1609;80-4561; 80-4844;
Familiar w/practice in cited industry	Magma;

"HAZARD" (Cont.)

Responsible posibility viz a viz probability #80-4157;	
Recognized (See Sec. 5(a)(1) and GENERAL DUTY)	
Defined	#12600(RC);76-1174(RC); 76-4807(RC);80-1609;80-6687;
Employee complaints	#79-4754;
Established by	#79-465;79-3222;
R's knowledge of some risk	#79-800;
Even tho not guarded	#76-4990(RC);
Gives fair notice of conduct required	Bethlehem III;
Industry or R's personal	#9224(RC);13390(RC);76-1174(RC); 78-5707;79-4612;80-576;Magma;
Not shown where only small % of industry protects	#78-3775;79-4603;
Precautions taken indicate	#76-1174(RC);
13' fall is	#76-2690;
Storage not a	#80-2273;
Respondent's own practice a factor in determining	#76-4990(RC);79-4104;
SOL need not prove unless standard protects against	#76-3517(RC);
Safety record doesn't negate	#80-1509S;81-346S;
Short duration	#80-7356;

HAZARD (Cont.)	
Standard presumes	#76-3517(RC);77-242(RC);79-2969; 79-4517;80-7140S;
Non compliance with	#79-162
Titanium dust as	Titanium
Within R's expertise or did not require expertise to recognize	#5139(RC);
HAZARD, RECOGNIZED (See Sec. 5(a)(1))	
HEARING	
Closed	
R requests reopen for new evidence	#1746;
Continuance to conduct discovery	
Not granted where motion for not timely	#78-5911;
Error in	
Prejudicial	#49(RC);
Reopen and try on new theory	#4395(RC);
Failure to appear	#4035;13014;13191;14821;76-553 (RC);76-1778;76-1841(RC);76-2253; 76-4182;76-4877;77-2720(RC); 78-2988;78-3215;78-4350;79-2283 (RC);79-4221;79-4309S;79-6784;
Failure to notify affected employees of	#77-1646;79-3236;
Leading questions by Union to SOL's witness	#76-5197;
May be closed to protect trade secrets	#4385(RC);

HEARING (Cont.)	
Modification of abatement	
Union requests	#5819;
Motion during not supported by post-hearing brief	#195;
Notice	
If not posted & hearing already commenced	#2506;
Required to be valid	#49(RC);
Place for	#77-2876;
Reaffirming date unless settlement received	#3651;
Reopened by Judge after closed	Gordon;
New evidence adduced (See EVIDENCE)	#1955;
No new evidence	#25;
To try new theory	#4395(RC);
Respondent failed to appear	#239(RC);2686;2917;4035;5020;5942; 9379;10615(RC);14278;77-2720; 78-2988;80-5128;
Good cause shown	#76-1841;
SOL fails to present case at	#6858;80-999(RC);
Union failed to appear - waives notice	#4491;
HEARING TRANSCRIPT	
Incomplete due to faulty equipment	#204;
Not ground for reversal	#77-1300(RC);
HEARSAY (See EVIDENCE)	

HEIGHT

Computed from resting surface to top of scaffold #7542;

HISTORY (See PENALTY, History)

HYPOTHETICAL QUESTION

Based on sufficient facts in record #7777;

IDENTIFICATION	
By label	#76-2360;
IMMUNITY	#803;76-1484(RC);
Who may grant	#1968;
IMPRACTICAL REGULATION	#295;
INCRIMINATION (See Witness)	
INDIAN TRIBES	
Sovereign rights	#76-5013(RC);
INDUSTRY PRACTICE	
Discussed	#16200(RC);76-1053(RC);76-1104(RC);76-1844(RC);77-3031;77-3432;78-2621;78-2939;79-3943;79-4549;79-5275;80-219;80-1609;80-3295;80-5271S;
Lack of expert testimony on	#79-6145;
Not based on opinion of Govt. employee	B&B
Not compelling when hazard known	#16188(RC);79-2765;80-3102;80-5547;
Not determined by foreman's practice	#9985(RC);
Safety belts	#77-2100(RC);79-4262;
INFORMANT	#76-1484(RC);
Name confidential	#78-235(RC);Stephenson;
Who is	#6794;
INJURY LOG	
Equivalent of	#1578;

INJURY LOG (Cont.)	
Summary posted	
Only if injury during preceeding year	#3068;12577;
INSPECTION (See Walkaround)	
As harrassment following demand for warrant	#77-3130(RC)
Based on complaint by non-employee	#563;829(RC);
Complaint by former employee Discussed	#78-3468;
Compliance officer must know date of to tie down	#2887;
Consent based on threat of getting warrant	#78-4690; 80-5677;
Consent by senior employee present	#76-2748(RC);80-2378; 80-4971(RC);
Consent to complaint items only	#79-2160; 80-5677;
Consent to OSHA less than required in criminal search	Milliken;
Consent to precludes subsequent claim of 4th Amend. violation	#78-6177;79-2969;Milliken;
Consented to valid	#76-4636(RC);80-5271S;
Consent must be truly voluntarily given	#76-4636(RC);79-2452; 80-5677;
Credentials (See CREDENTIALS) Area open to public view (See INSPECTION, Public View)	#5258;15919;78-1353; 81-1103; Accu-Namics;
Diligent effort to contact R What is	#76-1035;

INSPECTION (Cont.)

Entry gained thru person able to authorize	Western;
Exclusionary rule re Barlow's not retro	#16265(RC);76-1463(RC);78-5264(RC); Savini;Todd;
Failure to follow procedures not fatal	#76-3241(RC);81-226;
Failure to give respondent copies of standards cited at time of	#5324(RC);7606(RC);
Failure to object	#80-1151;
Failure to take employee rep. not fatal	#117(RC);5324(RC);78-727;
Failure to take R's representative	#117;
Not fatal	#224(RC);557(RC);559(RC);3197;
Harassment discussed	#77-3170;77-3773;80-785;
Hours for	
Any regular workshift	#78-2421;
Improper requires prejudice to vacate	#78-4989(RC);79-6938;Accu-Namics; Western;
Inadequate as basis for citation	#1506;79-4838;
In dual jurisdiction states	#77-4471;
Knowledge of right to insist on warrant not important in determining if consent given in OSHA case	Milliken;
Knowledge of right to object	#13874(RC);
Limited to portion of plant in noise case	#8165(RC);
Limits on	#78-382;80-785;80-6712;

INSPECTION (Cont.)

May be continued after closing conference	#5258;
Misrepresentation by CO	#80-5677;
Multiple employer site	#2097;
Not resisted	#78-5274;
Not within prescribed time limits - no objection	#8165(RC);
Of equipment by employer	
Requirements of	80-7140S;Austin;
On Sunday not fatal	#2887;
One who controls may give consent	Western;
Open fields exception	#80-4971(RC);
Outside expert	
Trade secrets	#76-1220(RC);76-2005(RC); 76-3939(RC);77-1550(RC);
Plain view doctrine	#79-2969;80-3798; 80-4971(RC); 81-1103;Stephenson;
Not if test req. to determine	#79-2160;
Prejudice to suppress	#78-727; 81-1103;
Presentation of credentials prior to	
Not essential if R aware of status	#3699;5581;
SOL must establish	#4679;
Prior does not excuse noncompliance	#2887;
Prior to presenting credentials because man in charge not immediately located	#853;8520;

INSPECTION (Cont.)

Prior to use of crane Operator and oiler competent to make	#190(RC);
Procedures (See spec. part of, i.e., conference etc.)	
Public view	#477(RC);5324(RC);7064;15919(RC); 80-4971(RC);Western;Katz (88S.Ct.507)
Reasonable time for	#445;80-3798;
Reentry to establish viol.	#5258;13119;
RC review to determine conform. with 4th Amend.	#78-5264(RC);
Right to SOL to reinspect for more evid.	#4385(RC);5258;13119;
"SIC" program as guide	#77-3267;
Single employee at worksite (phone co. installer) Must notify employer	#76-2516;
Sneaky	#76-4611;
Superficial	#2651;2938;
Timeliness issue requires prejudice	Stephenson;
Unobjected to is proper	#77-4310;79-69;
Unreasonable search and seizure Not where employee consented to	#1694(RC);
Violating Section 8(a)	#4679;
Violation observed before R's agent found	#9739(RC);

INSPECTIONS (Cont.)	
Walkaround (See)	
Warrant (See WARRANT)	
Warrantless (See WARRANTLESS)	
Who may	
Initiate	**#563;829;**
Without R	**#557;1126;3197;**
INSPECTOR	
Failure to point out violations does not inval. citation	**#825;**
Poor witness	
Violation not established	#137;
INSTRUCTION RE SAFETY	
Must be specific	#12964(RC);15388(RC);
INTERLOCUTORY APPEAL (See Appeal)	#4385(RC);
INTERPRETATION	
SOL's entitled to great weight (See Opinion)	Kesler;
INTERPRETING STANDARD	#680;
INTERSTATE COMMERCE	#79-4944;
Burden on Sect.	#1650;1654;79-3894;
Defined	#754;
Employer not in	#407;
INTERVENTION	
Freely granted	#78-127(RC);

INTERVENTION (Cont.)		
Owner of elec. line causing death of another's employee	#78-3166(RC);	!
RR where non-RR resp. cited for viol. on RR prop.	#77-3050(RC);	
ISOLATED OCCURRENCE (See Violation)		
ISSUES		
Belatedly raised at trial	#102;	
Fair notice afforded	National Realty;	
Belatedly raised (Cont.)		
If tried unimportant that pleading did not raise	#1885;	
Proper	#665;2097;6853;	
Consent to trial of		
Implied only if R fairly appraised	#8275(RC);	
Consider cause of accident	#84(RC);	
Consider violation, penalty and abatement if any part contested	#93(Reversed by 2354(RC));77-2207;	
Consolidated cases		
Raised by one good for all	#2097;	
Formulation stage		
Includes hearing	#665;6853;	
Judge should not raise sua sponte	#2346(RC);4395(RC);	
Litigated by express or implied consent (See Amendment)	#1741(RC);2637(RC); 3258(RC);	!

ISSUES (Cont.)

May be litigated if fair notice given	#3235(RC);
Not contested but SOL raises in complaint by error	#78-1799;
On appeal to CA (See "when timely raised" below)	
Only if raised before RC	Keystone;
Only contested items considered	#413;650;
Only penalty, violation, or abatement as shown by NOC	#524(RC);2354(RC);But see 2019(RC);2314(RC);7413(RC);
Only tried issues	#4395(RC);
Review only those raised before ALJ	#76-926;
When timely raised	#6344;
Anytime during trial	#2097;7184(RC);
Not if initially raised before RC	#10677(RC);14748(RC);

JENCK'S RULE	#3395(RC);12817(RC);13401(RC); 76-1484(RC);
JOINT VENTURE	#1988;
Each to R as to own employees	#69;
JUDGE	
Abuse of discretion	#78-5034(RC);79-2667(RC);
Failure to grant reasonable continuance	#8629(RC);79-2225(RC);80-999(RC);
SOL's failure to follow procedural rules not	#78-1361(RC);80-6008(RC);
Taking case over thru questioning at hearing	CCH 23,889;
Amendment by does not est. prejudice	#76-3944(RC);
Appeal	#224;
Arm of RC	Accu-Namics;
Authority of is same as Review Commission	#2920;
Authority re deposition	#803;
Authority to call witness	#2920;
Authority to order employees to comply	#4897(RC);
Cannot raise issue for parties	#1263(RC);2346(RC);5543(RC);
Castigation of counsel	#5846;
Citation allowed to stand as complaint	#79-6850(RC);80-75(RC);
Conclusion of law	
Must be supported by the record	Cape and Vineyard;

JUDGE (Cont.)

Continuance beyond 30 days	#15965(RC);
Decides standard has rational connection to Act he may not go any further	#1863;
Decision	
At hearing	#78-6148;
Based on credibility determination	
Must show reasons	#15757;16162(RC);76-431(RC);
RC will not disturb	#642(RC);3395(RC);5467(RC); 14275(RC)
Unless substantial evid. supports other	Allis-Chalmers
Based on stipulated facts	#4318;
Effect of	#77-2401;
No further evidence after	Accu-Namics;
Precedence of	#3635(RC);4090(RC);5093(RC); 8380(RC);77-2401;
Not binding but RC may later adopt	#15538(RC);
Preliminary order of RC	Otinger;
Preponderance of evid. to support	#16162(RC);
Quality of	#76-431(RC);
Determine privilege claim under Freedom of Information Act	#1343(RC);
Discovery within discretion of	#12831(RC);
During trial has all powers of RC	#2271;3367;

JUDGE (Cont.)

Findings of fact by (See FINDINGS OF FACT)	
Impartial	#25(RC);
Improper participation in hearing	#49(RC);
In setting penalty must consider 4 factors	#3705;
Increase penalty (See Penalty)	
Jurisdiction over file	
Retains until decision docket date	#7377(RC);
Not after decision issued	#878;78-1044;78-1764(RC);78-5016 (RC);
May correct obvious error in complaint	#538;
May modify penalty even if stip. to	#494(RC);
May not amend cit. in diff. charge	#810;
May not amend final order	#722(RC);878(RC);949;
Contra	#2079;
May not change standard	#1113;
May not decide constitutional issue	#2630;
May not decide untimely req. for mod. of abatement	#2095;
May not expand standard	#676;
May not increase severity of violation	#690(RC);

JUDGE (Cont.)

May not overrule RC when it had facts	#1468;
May not question wisdom of standard (See Standard, Wisdom)	
May reopen hearing prior to decision	Gordon;
Must accept proffer by employee rep. on disputed point	#722(RC);
Must follow RC precedent	#3514(RC);4514(RC);5708(RC); 11434(RC);79-5605;
Must independently determine penalty	#48(RC);
Must make findings of fact	#76-431(RC);Goodrich;
Must rule yes or no on violation	#798;
Not over class larger than employees	#247(RC);
Not required to visit scene, especially where it is prob. very diff.	Mohawk;
Only consider issues raised	#687(RC);1420(RC);
Oral dec. reaffirmed by written decision	#79-1658;
Powers of	#494;2309(RC);
To call witnesses	#2271;
Pre-trial conf. not recorded-criticized	#239(RC);
Pre-trial order by	
Case dismissed for failure to respond	#4867;12713(RC);
Contra	#12831(RC);

JUDGE (Cont.)	
Pre-trial order by (Cont.)	
Failure of party to comply with	#76-5197;
Not complied with completely	#12831(RC);
Requires prejudice to dismiss	#76-3176;78-5034(RC);
Sample	#7099;
Primary responsibility for developing record	#2271;
Questioning of witnesses	#836;15780(RC);79-4262;
Raising issue sua sponte	#2346(RC);3948;4179;5064(RC); 5543(RC);
Recusal	#80-146;
Reduce serious cit. to other	#594;
Reversal of by RC must be based on record	Gilles & Cotting;Burgess;
Role at trial	#6120;
Ruling at trial	
Exception must be taken to preserve	#4533(RC);
Ruling on motion reserved	
Evidence to consider	#3197;
Should assist unrepresented R	#49(RC);
Stipulation of parties	#494;
Not required to accept	#675(RC);

JUDGE (Cont.)	
Sua sponte	
Amendment by	
Raising defenses	#13692(RC);
Raising of issues (See Raising Issues, this title)	
To delete offensive word	#2630;
Supplemental order by to correct earlier dec.	#6604;
Trial is de novo	Sheehan;
Unavailable	#1553;1734;
Unreviewed decision may be reconsidered by RC	#6031(RC);
Visual observation by	#155;2346;Mohawk;
JUDGEMENT ON PLEADINGS	
Form	#239;
Vacate citation	#604;
JUDICIAL NOTICE (See Official Notice)	
Distinguished	#354;
JUDICIAL REVIEW	
Only as to issues litigated before RC	GAF;
JURISDICTION	
Activity where other Dept. has proposed rulemaking	#15920(RC);
Affecting commerce (See)	
Affirmative defense to be asserted	#1134(RC);1672(RC);1690(RC-D); 2658(RC);3818;5960(RC); 76-1201(RC);

JURISDICTION (Cont.)

Barber shop included	Gibson's;
Burden of proof on G	#657;1605;1654;
CO conclusion re not enough	#3688;
Consultants	#80-146;
Employees	#4079(RC);
Formen	#79-6649;
Exercise of	
Key word	Southern Railroad;
Proposed rulemaking not	#4616(RC);13030(RC); 16213;
Federal Metal & Non-Metalic Mine Safety Act	
Milling in aluminum plant	ALCOA;
Milling in brick plant	#5306;
Federal and State simultaneous	#11904;
G must prove R in interstate commerce	#407;1605;
GSA contract	#11127(RC);
Land clearing operation	#2455;
Judge does not have once he makes dec.	#878(RC);
Lack of	
Affirmative defense to be asserted by R	#13134(RC);

JURISDICTION (Cont.)	
Lack of (Cont.)	
Not in issue	
Judge must still make FoF	**#13134(RC);**
Logger subject to sawmill regs. while at sawmill	**#237;**
Longshoring	**#2240(RC);**
Seamen as	**#2240(RC);**
May be raised as an issue at any time (306 U.S. 583)	**#738;2818(RC);2862(RC);2896;** 2997(RC);2998(RC);4815;
Must be established by SOL	#3667(RC);3688;79-4110;
Notice of withdrawal does not divest	#8;37;58;
Only issues raised	#687(RC);2872(RC);
Only items to which NOC filed	#388;435;689;1003;2354(RC);
Over (See Section 4(b)(1))	
Abatement (See Abatement)	
Only reasonableness of and not fact of	#562;873;2687;
Variance	#563;
Activities regulated by other agency but regulation not for health and safety purposes	#683(RC);
Airline	#9392(RC);
Army contract	#16056(RC);
Business affecting commerce	#119;754;1605;1654;2213;2536;
In Puerto Rico	Caribtow Corp.;

JURISDICTION (Cont.)

Over (Cont.)

Coast Guard regulated activity	#589;1979;4786;79-6896;
Construction entered into prior to the Act	#306;657;827;832; 3344(RC);6007(RC); Underhill;
Contract under supervision of FAA	#2524;
Divided	#1593;1873;
Engineering firm supervision const.	#1127;
Explosives	#1098;
FAA contract	#2524;
Indian reservation	#15241
Industry where rule making proposed	#13164(RC);15920(RC);
Industry wide, not	#12035(RC);
Issue litigated at hearing as long as fair notice afforded	#378(RC);National Realty;
Labor-management question raised by union incident to question of abatement	#1503;
Land clearing operation	#2455;
Longshoremen	#7;1132(RC);4786;14617;
Meatpackers	#61;250;251(RC);445(RC); 464;1410(RC);1987(RC);
Noise in	#914;

JURISDICTION (Cont.)

Over (Cont.)

Merchant seamen	#2391;2240(RC);
Mine products	#683;837(RC);1593;
Modification of abatement (See Abatement)	#1210(RC);
Motor Carriers	#10889(RC);
Penalty where NOC to viol. only (See Echols)	#370(RC):2354(RC);
Puerto Rico	#4815;Caribtow;
Quarries	#58;837(RC);1593;
Railroad	#1697;4318(RC);4616(RC); 12420(RC);13214(RC); 15920(RC);76-1182(RC); Southern Pacific; Southern Railroad; Union; B & O;
Bankruptcy doesn't affect	#10111(RC);
Employee doing non RR work	#4318;
If no spec. reg.	#738;
Joint	#1348;5960;
Reinstatement of NOC after becoming final	#1468;
Sand dredging	#837(RC);
Seamen	#1132;

JURISDICTION (Cont.)	
Over (Cont.)	
Slaughterhouse	#251(RC);
SOL must establish	#8844;
Standard	#1126(RC);
State	#1165(RC);11904;
Transportation of gas (Pipeline Safety Act)	#4091(RC);
Does not include contractor at facility	#4091(RC);
Truck terminal maint. shop	#10889(RC);11854(RC);
Truck while being unloaded	#2546;6483(RC);
Trust territories	#78-2779;
Underground excavation not for mining purposes	#906;
Vessel	#354;
Violation where NOC to penalty	#93;689;1086;1623;1705; 1760;2028;2052;2354(RC);
Violation not contested and RC finds no violation (See Echols)	#689;881;900(RC);1003; 1364;
Withdrawal	
Vested solely in SOL	#2069(RC-Dis);
Reconsider own order	#2309;

JURISDICTION (Cont.)

Resp. cannot concede	#2896(RC);
Resp. fined by State for same incident	#1578;
Resp. supplies product to customer in interstate commerce	#14;
Resp. uses supplies passed in interstate commerce	#781;
Retaining not permitted	#2739(RC);
Restricted to issue contested	#650;689;1003(RC);2113;
Review Commission does not have beyond 30 days after ALJ dec.	Otinger;
Review Commission power to resolve	#3667(RC);
Review Commission to reinstate NOC after Judge's grant of motion to dismiss becomes final	#1468;
SOL presents no evid. re "affecting commerce"	#76-631;
Superceded by	
Coal Mine Health & Safety Act	30 USC 821;Sec. 4, Law;
Metal & Nonmetalic Mines Safety Act	30 USC 732;#837;
State plan when effective	#1578;
Test is not whether other agency regulated but rather whether it had statutory authority to	#1132(RC);

JURISDICTION (Cont.)	
To reinstate on merits after answer time expired	#2309;
Dismissal for failure to answer	#2309;
Truck during loading and unloading	#1588;1873;
Vacate uncontested item for lack of	#4350;
JURY TRIAL	
OSHRC hearing does not require	#76-2748(RC);Atlas & Irey (Sup. Ct.);Savini;

KNOWLEDGE (See Employer)

Absent if engineering study needed to establish	#10646;
Actual is enough for 5(a)(1)	#76-665;79-407;80-6182;Vy Lactos; Cotter;
Actual or constructive required	#16096(RC);
Adequate training program would have provided	#12153;
Affirmative defense re	
Lack of	#2752;
Applies to physical conditions and not of Act	#12174(RC);
Based on foreseeability and not R's subjective judgment	Arkansas;
Brief exposure doesn't est.	#13135(RC);
Burden of proving on SOL	#8687;13122(RC);13315(RC); 16147(RC);16184(RC);76-4174; 80-7356;Alsea Lumber;
Construction industry	
All subs working in governed by	#76-2690(RC);
Constructive	#80-6344;
If easily discoverable	#13595(RC);15757(RC);15841(RC); 15919(RC);
Reasonable diligence exercised	#16147(RC);
Could have known is enough	#15841(RC);
DeFacto foreman's imputed to	#77-979;
DeFacto supervisor's imputed to	#76-4271(RC);

KNOWLEDGE (Cont.)

Diligence, failure to exercise	#9118(RC);13266(RC);15841(RC); 79-2963;
Does not exist where new process being utilized for first time	#12213;
Either actual or what is gained by reasonable diligence	#76-1408(RC);76-2777(RC);
Element of all violations	#258(RC);355;4654(RC);5356(RC); 6696;79-3368;Alsea;Rockwell;Nat. Steel;
Elements establishing	#676;922;13315(RC);
Employee complaints	#79-4838;
Employee goes to different jobsite than R expects	#15438(RC);
Employee in trench without permission	#7455;
Employee misconduct (See EMPLOYEE and DEFENSE)	
Employer's	#2887;
Of unexpected exposure	#10654;
Essential element of violation	#13135(RC);
Expert opinion required	
Cannot say R has knowledge	#74;311;1264;
Failure to instruct est. knowledge of failure to wear	#76-2552(RC);
Foreman's acts where he is exposed	#10792;13266(RC);15472(RC); 15760(RC);

KNOWLEDGE (Cont.)

Foreman's imputed to R (See Employer, Knowledge)	#4448;7065;8387;9314(RC);9338(RC);11286;13390(RC);13503(RC);76-1309;76-2390(RC);76-2414(RC);76-2523(RC);76-3105(RC);76-3241(RC);76-3743(RC);77-91;77-3772;78-74;78-3491(RC);78-4204;79-2963;79-3067;79-3163;79-3303;79-4505;79-5270;80-1943;80-2763;80-4414-80-4561;80-6246;81-226; 81-391;Georgia Elec.;
Contra	#2548;3551;5811;Horne;
Where he disobeyed orders	#9806(RC);77-3772;
Where he doesn't exercise control	#76-4174;
Determined by duties	#78-3979;
If no policy against	#76-1796;
Negligence	#16223(RC);Ocean;Pike;
Temporary with some authority imputed to employer	#9295(RC);78-727;
Unless he disobeys	#3551(RC);9608(RC);15919(RC);Pike;
Unless he sees for first time on insp.	#13135(RC);
Willful (But see 78-727)	#9339(RC);
Foreman's lack of due to employer laches	Georgia;
Forseeability	#4447(RC);15438(RC);16223(RC);76-1174(RC);79-4473;
Depends in part on training	Horne;
Hazard and not the law (standard)	#14886(RC);78-29(RC);

KNOWLEDGE (Cont.)

Hazard must be anticipated	#15841(RC);
If R protects sometimes he must protect at all times	#302(RC);80-7356;
Isolated instance	#8687(RC);12577;80-7356;
Implied if employee normally exposed	#4374;
Lack of instructions	#15923(RC);Ames Crane;
Lack of regarding requirements	#298;1888;
Lack of regarding violations	#144;237;355(RC);1741;2692;3863; 8687(RC);15438(RC);76-4153(RC); 78-555(RC);79-1173;79-2638;79-6783;
Violation created while foreman's back exposed	#12100;
Lack of safety program establishes even tho sup. did not	#4675(RC);
Lack of supervision as affecting	#1453;6908(RC);
Leadman but not a foreman - knowledge not imputed	#77-2292;
Contra	#80-5153;
Manufacturer's brochure	#80-6182;
Momentary does not establish	#76-783;
Nonserious violations	#211;777;4654(RC);9413(RC); 15906(RC);
Discussed	#8055;
Element of	#355(RC);8687(RC);78-4679; Alsea;Horne;Rockwell;

KNOWLEDGE (Cont.)

Of Act not material	#781;
Of hazardous cond. which violates Act acquired on walkaround does not sustain SOL burden of est. R's knowledge	#13135(RC);
Of nature of charge by walkaround rep. imputed to R	#15450(RC);
Of standard	
R has duty to inquire	Diebold;
Open and obvious hazard	#3041;78-5845;
Operator's manual not actual	#80-6182;
Presumption of	#77-1116;80-3708;80-3808S;
Project engineer	#12136;
Protective equipment use shows employer's	#79-6938;
Prudent man test	#11968;80-2760;Getty;Power;
Reasonable diligence to know all that is required	#12892(RC);14884(RC);16184(RC); 77-2039(RC);78-1562;78-1710; 78-3979;79-2209;79-3683;80-6003; 80-6344;81-635; 81-1812;
Required for all violations of Act	#9413;77-2762;78-414;78-4674;
Respondent	
Could have known by testing	#10757(RC);
Must make an effort to know	#5478(RC);

KNOWLEDGE (Cont.)	
Respondent (Cont.)	
Required	#2637(RC);9413(RC);
Should have known of violation	#3395(RC);
Or could have known	Pike;
Safety program (See SAFETY PROGRAM)	
Saw operation	#1228;
Serious violation	
Established by lack of safety program	#76-780;
SOL must establish	#1422(RC);9726;14235;76-4153(RC);
Special testing equipment required to detect	#78-1907;
Standards existence	
R has duty to inquire	Diebold;
Subcontractors for viol. of other trade in equip. sub is using	#79-25;
Subcontractors of general's poison gases	#78-3607;
Supervisor created contrary to R's policy	#15841(RC);
Supervisor's imputed to R	#2763(RC);13266(RC);13502(RC); 13573(RC);14173(RC); 16265(RC); 76-1174(RC);76-1393(RC);77-2762; 78-1353(RC);78-1908;78-4823;78-6265 (RC);79-1081;79-1214;79-3323;
Contra	Horne;
Supervisor's present est. R's	#14;43(RC);163;1405;1670;2246; 13502(RC);
Contra	Horne;

KNOWLEDGE (Cont.)

Unexpected act	#80-3369;
Contra to safety instruction	#8687(RC);
Experienced workman	#5622;
Violation out of R's work area but which his employee entered temporarily	#79-819;
Week-old inspection not defense to	#78-3031;
Where R ordered corrected before inspection	#78-1279;
Within industry but not by employer	#4740;
Within industry of prot. cloth. etc.	#676(RC);
Within specific industry required	H-30;
Witness equivocates	
Does not est. R had	#9808;
"Working leaders" attributed to R	#77-859;
Work rule shown	#78-29(RC);
Worksite tests for R negative	#2692(RC);

LABOR DEPARTMENT DIRECTIVE	
Not binding on RC	#914;
LABOR DEPARTMENT EMPLOYEE	
Not required to counsel employer	#914;
LADDER	
Defined	#3028;
Escape purpose only	#1863;
Extension above excavation	
Difference of inches between standard and facts is De Minimis	#145;
"Landing" - defined	#702(RC);
Must be used	#77-2115(RC);
Not a stairway	#4140;
Rail-bent is not a defect	#1209(RC);
Rung-crimped is not a defect	#1209(RC);
Safety device	#76-4883;
Side rails requirement	#80-1383;
Single bar does not constitute	#76-1435;
Stanchions as guardrails	#80-4035;
LEAD	#79-3009; 80-5983;
Fetus affected by	#79-5762(RC);
Testing for presence of airborne	
Air samples and not biologically	#10;
LESSEE	
Not liable to discharge owner's duty	#961;

LESSOR	#1362;1373;
Responsible for his employee operator	#890(RC);
Responsible for acts of lessee's employee creating hazard	#15388(RC);
LIFE JACKET	
Employer only required to furnish	#1284;
When furnished but defective - What is	#1284;
LIFELINE	
Failure to hook-up	#25;41;226;1205;
Not cited under 29 CFR 1910.132(a)	#1113;
Not required by 1926.104	#1399;2249;
1926.105(a)	#117(RC);2249;
LIFE SAFETY CODE (See National Consensus Standards)	
LIQUID	
Volatile - no sample taken - no proof of violation	#180(RC);
Label on can Presumed to identify contents	#7869(RC);
LOAD LINE	
Part of crane	#1128;
LOG OF OCCUPATIONAL INJURIES	#3068;80-3985;
Any reasonable alternative form will suffice	#1097(RC);
DOL does not have to furnish specific form	#1097(RC);

LONGSHOREMEN	
Covered by Act while aboard ship	#1132(RC);
LONGSHORING	#80-2540S;80-2771;80-4220; 80-6000;
Const. dist.	#11007;79-1355;
LUNCH ROOM	
Requirement for	
Reasonable	#123;

MACHINE(See 29 CFR 1910.212(a)(1) and Words & Phrases)
Guarding

Application to maintenance & cleaning personnel	#793(RC);3460(RC);
Applies to mfg. machines	#8274(RC);
Automatic positioning (3)	#16188(RC);
Available for use	#79-7165;
Burden of proof Where R shows it cannot guard SOL must show how	#15694;
Duty to in manner that doesn't create new hazard	#76-1410(RC);
Employee attempt to circumvent no violation	#76-1062;
Employee must not be able to circumvent	#76-3113(RC);
Function determines which standard applies	#76-1513(RC);76-1656(RC);
Malfunctioning safety device not a viol.	#6287;
Not just to protect operator	#78-2346;
Partial protection not enough	#16188(RC);77-705;
SOL not always required to show how	#7925(RC);
To protect passers-by	#77-4009;
Tractor not such a machine requiring guarding	#8274(RC);

MACHINE (Cont.)	
Guarding (Cont.)	
100% protection not required	#1885;
Paper cutter not	#2358;
Portable grinder is	#2739;
MACHINERY	
Automobile is	#10117;
MAIL	
Delayed receipt of NOC	#2035(RC);
MANAGEMENT REPRESENTATIVE	
Project engineer as	#12136(RC);
MANUAL RE TRAFFIC CONTROLS	
Uniform traffic control not binding	#78-3229;
MEASUREMENT	
Actual over estimate	#76-1264;
Estimation by CO not acceptable	#76-1887;79-2779;
Failure to precisely measure	#3491(RC);12750(RC);
For noise	#9616;
Poorly made	#7562;
Should be made if feasible	#1128;
Sound representative for period of exp. accepted as reliable	#1231(RC);
Visual observation not adequate	#503;76-4063;
Unless R doesn't object	Stephenson;

MEATPACKERS	
Jurisdiction over	#464;
Variance from platform railing requirements	#508;
MEDICAL FACILITIES	
Availability of	#331(RC);1541(RC);1571;
SOL must prove	#11050;
MEDICAL RECORDS	#77-4297;80-2;80-7116;
MESH GLOVE (See Protective Clothing)	
MIGRANT WORKERS (See FARM WORKERS)	
Employer of	#15904;78-1103(RC);
MISCONDUCT(See EMPLOYEE)	
MOTIONS	
Amended	
Decision must reflect	#1034;
Default judgment	#79-2225(RC);
Directed verdict	
Under FRCP an involuntary dismissal	#9850(RC);
During hearing not supported by post-hearing brief	#195;
Failure to answer	#2873;
Significance of	#12715(RC);
More definite statement	#76-5162(RC);
Before any responsive pleading is filed	#76-2049(RC);

MOTIONS (Cont.)

Must give reasons for ruling	#14822;
Pro se letter construed as for Rule 60(b) purpose	#78-2230(RC);
Ruling on must await exp. of response time	#78-2161(RC);78-2485(RC); 79-1552(RC);
Ruling reserved	
Consider all evid., even received after motion	#3197;
Summary judgment	#11644;78-5940(RC);79-4336;
To accept late complaint	#80-3347(RC);
To accept late brief	#6352(RC);
To amend pleadings	#78-5954(RC);79-1552(RC);80-3592; 80-4035;
Issue impleaded	#78-6247(RC);
To dismiss	
Answer not timely	#721;
Appropriate where R doesn't reply to order to show cause	#10797(RC);
At trial	#77-2831;
By SOL after hearing requires RC approval	#920(RC);
Close of SOL's case	#4533(RC);9850(RC);
Evid. viewed most favorable to SOL	#4503(RC);
To avoid remand all evid. should be taken	#9809(RC);76-431(RC);76-5307(RC);

MOTIONS (Cont.)

To dismiss (Cont.)

Complaint improvidently waived	#80-6511;
Complainant's must be posted	#12667;
Contumacious conduct required	#79-1059(RC); 79-5649(RC);
Contra	#78-1361(RC)
Defer ruling until all evidence in	#78-2346;
Employee rights re	#76-1056;
Exposure not est.	#78-4924;
Failure to act	#78-1065;
Failure to answer	#4778;78-692;
Failure to comply with judge's orders	#76-171(RC);
Failure to comply with service req. resp. motion to withdraw	#551;553(RC);755;784;828;947;1096;
Failure to file complaint	#78-3352(RC);80-2149;80-2618(RC);
Failure to permit discovery	#1343;
Failure to prosecute	#80-2281
Failure to prove	#705;817;3004(RC);76-5307(RC); 79-6166;
Failure to specify noise levels found	#76-1850;

MOTIONS (Cont.)

Failure to state a claim	
Well pleaded allegation of complaint admitted	**#3661(RC);**
Hearing where facts disputed	**#4309;**
Judge erred in granting at end of SOL's case	**#4533(RC);76-967(RC);**
Not acted on until SOL clearly cannot prevail	**#8842(RC);**
Not for failure to post citation	**#725(RC);**
Not for lack of particularity in citation	**#76-1463(RC);**
Contra	**#11865(RC);**
Not proper	**#900;**
Prejudice required	**#76-171(RC);79-1059(RC);79-6649; Jensen;**
Contra	**#78-1361(RC);**
Refusal to permit discovery	**#1343;**
Response not mandatory	**#5786(RC);**
SOL fails to inspect	**#79-2258;**
SOL fails to present case	**#6858;**
SOL refuses to amend	**#14675(RC);**
With prejudice	
Delay for contumacious conduct	**#78-145(RC);**

MOTIONS (Cont.)

To dismiss (Cont.) Without	#79-2380(RC);
To disqualify Commissioner from presiding	#76-4757(RC);
To expunge the record	#78-1485(RC);
To impose sanctions	#78-1361(RC);
To produce records	#13401(RC);77-4297(RC);
Must be couched in language saying what is desired	#5572;
Notes of inspection	#12569(RC);
To stay	#79-2225(RC);
To strike Discussed	#77-4089;
To quash warrant Treated as motion to suppress evid.	#80-1308;
Once granted cannot be reactivated	#14951(RC);
To supress 4th amend violation	#78-2739(RC);79-2452; 80-5677;
To recuse	#80-146;
To reopen record	#9850; 78-1353(RC);
To suppress evidence No probable cause	#78-5264;

MOTIONS (Cont.)	
To vacate decision	#79-3136(RC);
To withdraw	
Citation	
NOC posted and proof thereof	#79-454(RC);
Complaint	
Not unilateral	#4714;
Criteria	
Abatement & pay penalty	#5150;
Lack of evidence	#80-3661;
Posting	#1902(RC);
Requirements for	#4651;
MULTI-EMPLOYER WORKSITE (Also see EMPLOYER, General Contractor)	
Each resp. for his own employee's exposure	#78-3031;
Each resp. for other's exposure to his viol.	#3694(RC);8221(RC);12775(RC); 76-3337;
Generally	#78-3234;
In an out-of-the way location	#78-3899;
Rule not restricted to construction industry	#76-1408(RC);79-5496;

NATIONAL CONSENSUS STANDARD	
Adoption need not be word for word	#3460(RC);12470(RC);79-4478(RC);
Advisory unless incorporated in CFR	#963;1906;9968;14721;
Defined	#364(RC);563;
Det. by SOL that standard is not binding on RC	#2920;
Headnote of must be carried forward	#2271;
Incorporation by ref. valid	#77-1999;
Invalid	#80-3295;
Life Safety Code	
Aid in interpreting standards in Subpart E	#76-2049(RC);
National Electric Code as	#1716;
National Fire Protection Association	
Aid in interpreting standards in Subpart E	#76-2049(RC);
Number 01.1, 1954 (R1961) not properly promulgated	#2271;
Operation of	#2271;2920;
Promulgation	#76-647(RC);
Valid even tho every employee does not agree	#1694;76-171(RC);
Re mercury	#563;
Re saw guarding	#945;
Value of depends on facts	#77-705;79-3392;

NATIONAL CONSENSUS STANDARD (Cont.)
  What is #44(RC);364(RC);2920;

NATIONAL GAS PIPELINE SAFETY ACT #77-2289(RC);

NAVIGABLE WATERS #354;

NEGLIGENCE
  As defense #2752;2863;4307;

  Feasible control of (See Engineering Controls) #6027;

  Gross of employee contributes #9;

  Of employee no defense by employer #83;
    Contra #2752;2863;4307;

NIOSH
  Criteria Documents
    Effect of #3635(RC);

    Recommendation
      Not binding on SOL GAF;

    Tire repair #79-4754;

NOISE
  Citation not defective if location of noise not specified #14702(RC);

  Cumulative effect of #2116(RC);

  Damage is insidious RMI;

  Dosimeter proper for measuring #15022;78-1247;79-6938;

  Economic feasibility of abating #3635(RC);3973(RC);79-6938;

  Eng. & Admin. control preference not arbitrary & conspicious #6352(RC);

NOISE (Cont.)

Engineering control of	
Less than total resolution considered feasible	#14702(RC);
Must merely reduce	#3973(RC);8165(RC);13171(RC);
But significantly	#78-1303;
Must reduce to within acceptable limits	#1551(RC)(Overruled)
SOL must show feasible	#1551(RC);6286(RC);
Expert must testify re	#13417;
Faulty testing for	#4474;
High gravity if evid. of	#456(RC);3905;
High level uninterrupted not SOL's burden	#77-580;
Interpolation of readings to det. viol.	#268(RC);
Measurement to determine levels	
Spot reading to determine	#1551(RC);
No duty for medical treatment	#79-1868;
Not serious violation	#77-2974;
Personal prot. must be supplied and used	#77-580;80-3320;
Personal prot. only after controls implem.	#77-580;
Reduction must be substantial	#6352;77-2846(RC);
RC must det. if eng. controls will reduce to perm. limits	Goodrich;

NOISE (Cont.)	
Serious v. nonserious	#268(RC);
Penalty for	#268(RC);
SOL does not have to show excessive noise uninterrupted for period in table	#268(RC);6352(RC);
Other evidence may establish exposure	#268(RC);
Testing for	#1551(RC);5978;6352(RC);10920; 12817(RC);80-1841(RC);
Discussed	#77-580;79-6938;80-2562;
NOLO CONTENDERE (See Pleading)	
NONSERIOUS VIOLATION	
Defined	#355(RC);
Grouping to make serious	#76-2721;
Penalty for	
Required	
Violations	#59;
NONWORK AREAS	#295;1717;1727;1757;
NOTICE (See SERVICE OF NOTICE)	
Adequacy	#85;4309;76-2165(RC);Buckley;
Employees entitled to, of PMA	#78-4409P(RC);
Employees entitled to, of settlement	#78-2485(RC);
Judicial and official distinction	#354(RC);
Of hazard may be est. by inapp. standard	#15169(RC);
Publication in Fed. Reg. of standard	#15169(RC);
Background	#78-6148;

NOTICE (Cont.)	
Referral to accept	#77-2720(RC);
Refusal to accept doesn't toll 15-day period	#6349;
Respondent entitled to know charge	#285(RC);370;1263;
R permits intro. of evid. re new standard as	#12964(RC);
To all parties	#912;
Posting for unrepresented employees	#1902;4303;4793;5809;
Service for unrepresented employees	#1902;4303;4793;5809;
Validity of service	#77-2720(RC);
NOTICE OF ACCIDENT	
No violation if G knew even tho R failed to give personally	#650;
NOTICE OF CONTEST (NOC)	
Abatement also raises violation	#2019(RC);6448(RC);15965(RC);
Contra	#76-4719(RC);
Failure to forward to RC	#76-2132;
Request for ext. of construed as NOC	#6448(RC);76-2864;
Ambiguous by pro se construed liberally	Penn Dixie Steel;
Ambiguous re abatement and contest of citation	#15965(RC);
Amended	
By answer	#76-4378;

NOTICE OF CONTEST (Cont.)	
Amended (Cont.)	
By complaint	#5;
Respondent	#2028;
To contest additional items not permitted	#2028(RC);
Clarified by answer	#2004(RC);3344(RC);3443(RC); 7413(RC);10732(RC);12463; 13973(RC);79-6138;Penn-Dixie
Construed in light most favorable to R	#873(RC);
May be expanded	#2004(RC);3443(RC);7413(RC); 10732(RC);
Date of receipt by Dept. controls and not in OSHA	#572;
Defect in not cured by answer	#81-560;
Delayed due to poor mail service	#2035(RC);
Determined by date of mailing, not postmark	#80-4718(RC);
Determination by RC	#1333;
Dismissal of (Extreme sanction)	#1376;1625;1767;2019;3464;6954 (RC);80-3689A(RC);Echols;
Due process satisfied by	Clarkson;
Duplicate as answer to complaint	#893;
Employee's	#1942;2017;
Limited to abatement time and not plan of	#2786(RC);10340(RC);
Equivalent to answer	#76-4761(RC);

NOTICE OF CONTEST (Cont.)

Expanded to include citation	#2004(RC);7413(RC);
Extension of time for	
Not authorized by law	#721;
Failure of Secretary to timely transmit (See transmit to RC within 7 days)	#464;1003;1057;1106;1333;1576;1625;Echols;
Dismissal for is extreme sanction and not used if no prejudice	#2019(RC);
Excusable	#1333(RC);
Must permit Secretary to explain	#1333;1625(RC);1767;
Explanation not accepted	#1625;
3 months delay accepted	#6954(RC);
Failure to post cured by subsequent stipulation	#977;cf 725;
Filed with RC	#77-520;
Intent	
Liberally construed	#76-944;
Plain controls	#15472(RC);
Interpreted by RC	Sheehan;
Invokes RC jurisdiction	#14822(RC);
Issues raised by are de novo	#690;
Lack of good faith	#467(RC);

NOTICE OF CONTEST (Cont.)

Letter seeking abatement extension is	#6448(RC);
Liberally construed	#2019(RC);3713;10334(RC);13122(RC);76-324(RC);80-1345(RC);Echols;Penn-Dixie;Haugen;
But not tortured construction	#13925(RC);
Limits issues to	#2818;
Misdirected to wrong office but timely	#76-1460(RC);
Misled by SOL	#9890(RC);15761(RC);76-2177(RC);77-3772(RC);79-1158;
Not a responsive pleading	#3892;
Not timely (Also see Timely, this heading)	#721(RC);738;1302;9890;14839(RC);76-3343;79-6864;
Cannot be waived	#76-3670;77-520(RC);77-1073(RC);
Citation not received	#78-2829(RC);
Conf. w/LD officials as grounds for ext.	#77-3267;
Due to clerical error	#78-2829;
Due to R's oversight - time not tolled	#76-4531;
Due to SOL's deception or failure to follow proper proc.	#9890(RC);15761(RC);76-2177(RC);76-3343;77-3772;
Good faith alleged by R	#721;15196;77-520;
Oral	#4309;77-3772(RC);
Acceptable is R didn't realize it had to be written	#9206(RC)(But see #77-3020(RC));

NOTICE OF CONTEST (Cont.)	
Oral (Cont.)	
Amendment of	#3443(RC);
Failure to follow-up with written NOC due to clerical error defeats oral NOC	#76-2467(RC);
Followed by written	#76-2177(RC)(But see #77-3020(RC));
Not accepted	#77-3020(RC);
Penalty notice starts time running for	#5574;
Penalty only (Echols)	
Abatement not tolled	#1122(RC);2354;
Answer may amend to incl. viol.	Haugen;
Citation not in issue	#1122;2354(RC);4298;4998;
Contra	#2004(RC);7413(RC);14098(RC); 14675(RC);
Interpreted broadly	#2004(RC);
Includes amount thereof	#78-5503;
Includes violation where R so intended	#1760;2354;7413(RC);13973(RC); 77-2207;Haugen;Penn-Dixie;
Enlarged at hearing	#78-3297;
R may not sub. raise issue of viol.	#1646(RC);1811(RC);2446(RC); 15472(RC);15760(RC);
Contra	#7413(RC);76-324(RC);
Violation may not be considered	#1122(RC);2053;2314(RC);2446; 3068(RC);8051;8823;Sheehan;
$0 not in issue	#890;

NOTICE OF CONTEST (Cont.)

Petition to modify abatement is not	#76-4719(RC);77-1493(RC);
Posting of	#725;
Adequate where no employee or union party	#1902;
Postmark	
Prima facie evid. of mailing date	#15116(RC);
Prompt transmittal of	
Not necessary if no prejudice	#5960(RC);
To protect employees	#1589;
Re abatement includes violation	#6448(RC);
Re abatement period by employees	#1942;2017;
Respondent only person who can initiate	#1553;
Respondent's intent	
Judge may not inquire into sua sponte	#10228;
Restricts issue to single time contested	#650;
But all elements of item, i.e., violation penalty, abatement	#93;689(RC);1086;1623; (See Penalty also)cf.1760;
Request for informal contest not	#12797(RC);
Service of on employee not satisfied by posting complaint	#458;
Time for (But see Atlantic Marine and heading TIME)	
Special circumstance permitted 1 day waiver (2 CO's issued sep. cits. on diff. dates and R timely contested last cit. received)	#8859(RC);

NOTICE OF CONTEST (Cont.)

Timely	#605;1551;1625;2295;2936(RC); 10226;14839(RC);80-2281;
Addressee away and didn't receive	#12699(RC);76-4316(RC); 80-1920(RC);
After clear notice of proposed penalty	#133(RC);
Citation amended by changing abatement	#78-4277;
Date of mailing not postmarks controls	#3543;15116(RC);76-171(RC);
Excusable neglect	#81-1988S;
Failure to due to clerical error	#16248(RC);80-3848(RC);
Liberally construed	#10108;80-1920(RC);80-3848(RC);
Misdirected to wrong office	#76-1460(RC);
Not mailed on 15th day & postmarked 16th day - OK	#3543(RC);(See #9890(RC) also)
No jurisdiction	#4532(RC);12549;15196(RC);
Rec'd in corp. office & then lost	#76-1445(RC);
To all items when some amended & all discussed at informal conf. & NOC timely as to amended	#78-1834;
When waived	#12699(RC);15761(RC);76-3670; 77-3267;Atlantic Marine
Transmit to RC within 7 days (Prompt)	#1003;1551;
Prejudice must be shown for failure to	#6954;
SOL should be given opportunity to explain	#1625(RC);1767(RC);
15 days not	#1625;

NOTICE OF CONTEST (Cont.)

Untimely	#80-3845;80-6988;
Due to internal mgmt. disorganization	#79-699;
Excusable under FRCP 60(b)	#80-1920(RC); 81-1988S;
Waived by SOL deception or failure to follow proper procedure	#11864(RC);77-520;77-3020(RC); 77-3772(RC);80-1340(RC);80-5575S;
RC, no jurisdiction	#80-1345(RC); 81-314;
R's misunderstanding	#79-2214;
SOL's deception	
Contra	#81-22;
Vacation of	#79-1925;
Form	#729;1057;
Violation only	
Also raises abatement	#2019(RC);
Includes penalty	#4681(RC);6120;
Penalty inferentially in issue	#2354(RC);
Penalty not in issue	#2999;
Waived if SOL does not fully advise	Atlantic Marine;
What is	#1589(RC);1942;2017;
Liberally construed	#2019(RC);
Withdrawal	#80-2431;
Does not divest RC of jurisdiction	#8;58;
Notice	#647;2547;
Not on union if not party	#1902(RC);

NOTICE OF CONTEST (Cont.)	
Unecessary to find viol. by employer	#78-4449;
Written required	#5749;7575;
NOTICE OF HAZARD	
Same as for recognized hazards	#3694(RC);
NOTICE OF HEARING	
Must be served on employees	#4958(RC);
NOTICE OF WITHDRAWAL OF CONTEST	
Does not divest RC of jurisdiction	#8;58;

OBJECTIVES OF ACT #123;433;

OBSTRUCTION
  Curb not #5058;

OFFER OF PROOF (See EVIDENCE; PROOF OF CASE)

OFFICIAL NOTICE #354;
  Airborne lead in suff. quantity causes serious harm #2311(RC);
  ANSI #76-119(RC);
  COM #370(RC);
  Commerce #3701(RC);
  Decision in other case #7413;
  Discretionary #354(RC);
  Eye is delicate #76-2326(RC);
  Facts in previous case of same employer #15538(RC);
  Federal Register #1134(RC);
  Fire results in serious injury #76-1036(RC);
  Gasoline by smell #5008;
  Gasoline qualities #4415(RC);5008;
  Height of man #15004;
  Insulated gloves might prevent death #13535(RC);

OFFICIAL NOTICE (Cont.)	
More expansive than judicial notice	#2311(RC);
NIOSH Criteria Document	#10925(RC);78-726;
OSHA Program Directive	#15631(RC);
Penalty uniformity in COM	#123;
Preamble to published standards	#78-1923;
Probability of injury	#1;
Respondent's size	#38;
Serious injury	#78-2818;
Shocks from electric switch	#14173(RC);
Standards	#79-989;
Technical publication's	#3528(RC);
Toxic substance list	#14910(RC);
Transcript in another case	#7413;15538(RC);
50' fall is serious	#79-989;
OPERATION	
Does not include infrequent, periodic maintenance	GE;
ORDER	
Cease and desist not proper	#4897(RC);12099(RC);13332(RC); 76-3743(RC);Atlantic & Gulf

ORDER (Cont.)

Certifying record	#914;
Confirming decision made at trial	#6098;
Denying Freedom of Information motion	#440;
Denying request for reconsideration	#192;
Dismissing complaint	#458;
Does not vacate citation	#4217;4867;
SOL may then amend	#4217;
Final may not be amended	#549;
Granting withdrawal of NOC	#23;50;106;548;551;
Judge's to employees	#4897(RC);
Must reflect	
Amended citation, etc.	#812;
Citation changes in complaint	#739;
Noncompliance with final cannot be charged	#76-308
Protective re trade secrets	#4385(RC);
Restricting use of confidential data	#3230;
Stipulation incorporated in	#858;
To show cause	#1227;

OVERHEAD SPRINKLERS

Insuff. no. in a room is isolated violation	#1941;

OWNER #1362;1373;

OXYGEN ENRICHED ATMOSPHERE
  Considered gaseous condition #1682;

PARTIES

Adding	#13084;
By amendment	#1988;14822(RC);
Identity of interests	#78-5954(RC);
Cannot charge employees	#12099(RC);13332(RC);
Corporation even if it lost its charter	#78-47(RC);
Dilatory tactics of	
May involve enforced settlement	Forteza;
Dissolution of joint venture does not make cit. moot	#13171;
Employees as	#12099(RC);13332
Ent. to meaningful participation	#78-127(RC);
Ent. to witness fees	#76-1056;
Ent. to contest de minimis	#76-1056;
Failure to appear (See)	#5150;
Individual cannot be named as d/b/a corporate entity	#4224(RC);
Contra	#78-47(RC);
Insurance carrier as	#2;
Misjoinder of	
Proper remedy	#14822(RC);
Misnomer, not fatal	#4626(RC);15009(RC); 78-47(RC);

PARTIES (Cont.)	
Officers & directors of corp. temp. dissolved	Life Science;
Participation in settlement	
Meaningful required	#78-3895(RC);
Respondent	
Failure to appear	#4299;
Stipulation	
Effect on employee rep.	#76-4056;
Trustee in bankruptcy	
Added by judge under FRCP 21	#13084;
Union	
In settlement where citation doesn't involve them	#76-4572(RC);
May not prosecute	#10340(RC);
Recess to see if it wants to intervene	#2960;
PARTNER NOT EMPLOYEE	BLS Bull. #14;
PARTY STATUS	
ALJ must inform others of election	#77-3915(RC);78-2551(RC);
Election by ltr. protesting action	#76-4761(RC);
Employees	#2547(RC);
Need not state they desire party status to gain	#77-3915(RC);
Of R's subs.	#78-127(RC);
Others must be informed of election	#76-4761(RC);78-2485(RC); 78-2551(RC);

PARTY STATUS (Cont.)	
Need not be elected to be conferred	#76-4761(RC);
Once elected must be permitted to participate in sett.	#77-3752(RC);77-3915(RC); 78-2600(RC);
PEDESTRIAN	
Not an employee to be protected	#247(RC);
PENALTY	
Abatement	
Not enough to remove	#1728;
Prior to RC decision	#667;
Prompt not reason for reducing	#261(RC);
Reduction for may be repugnant	#1759(RC);
Adjustment	
Increase	#690(RC);779(RC);1265 (RC);5782(RC);487 F.2d 438;
Aggregate only and no separate for each violation	#4314;
Agreed to by parties	#76-1796(RC);
Always in issue	#370;456(RC);2354;
Appropriateness of	#48;93;573;667;1871;2343;80-4227B; 80-6622;81-493B; 81-2085;
Evidence re must be presented even if there is no contest	#370(RC);
Judge must independently arrive at	#48(RC);

PENALTY (Cont.)

Appropriateness of (Cont.)	
SOL must present evidence re	#4658;
Assessed even tho parties stipulated $0	#76-4056;
Assessment	
Exercise in discretionary power	#10309;78-4423(RC);
Assessment worksheet	
Good faith	#1;1078;1306;1466;1598;1626;1627;2113;
History	#1;1466;
Probability of disability	#1;1575;1833;
Severity of disability	#1;1516;
Size of business	#119;1735;
Attitude affecting	#78-672;
Bankruptcy not basis for vacating	#10111(RC);
Burden of establishing is fair	#4;667;
Introduction of worksheet not enough	#456(RC);
Cannot be stipulated	#837(RC);
Civil v. criminal	#3347;American Smelting & Ref.;Clarkson;Savina;
Remedial and does not violate due process	#471;5249;
Combining two violations	#1858;
Comparison with other cases	
Not done in ind. case	#1305;1874;

PENALTY (Cont.)	
Computation of	#119;171(RC);401;
For failure to abate	#2114;
Constitutional (See Jury)	Irey;
Cost of correcting exceeded, penalty waived	#1715;
Criminal	#1504;3347;
Death as factor	#76-2643;
Dismissal of too harsh for SOL's failure to forward NOC	Echols;
Economic factors in	#123;881(RC);1250; 3288;13904;79-3040;
Electrical guarding	#1305(RC);
Employee exposure as determining factor	#5589(RC);
Equity not basis for eliminating	#1715(RC);
Evaluation of where no evidence re comp.	#1416;
Evidence re must be in record	#1416(RC);
Excessive	
Considering size and ability to pay	#2035;13904;
Lack of knowledge by R	#247;612;
Exemplary safety record	#78-3427;
Factors	#1(RC);4;6(RC);11;85(RC);90;91 (RC);123;401(RC);585(RC);3705; 4212;13282;76-88(RC);77-1542; 77-1609;80-4227B;

PENALTY (Cont.)	
Factors (Cont.)	
Exposure time	#9760;
Responsibility for violation as	#11503;
Weight to be given	#155;881(RC);2041;
Failure to	
Abate	#914;1698;7891;78-5126;
After good faith efforts to	#3167(RC);
Business closed	#445(RC);
Computation of days	#2102(RC);
Do not forgive minor	#406;
Due to act of God	#2343;
Due to carelessness	#791;2255;13719;
Due to misunderstanding	#791;883;2255;
Employee refusal to comply	#5594;
Factors to consider	#445(RC);5388;5998; 10705;
Gravity a factor	#445(RC);
Issue of violation considered	#5998;
Minimum daily - no auth. for	#445(RC);640(RC);5388;
Must be reasonably related to orig. penalty	#640(RC);

PENALTY (Cont.)
- Failure to (Cont.)
  - Abate (Cont.)
    - Not harsh #445;640;2217;
    - Proper to Clarkson;
  - Cite previously
    - Factor in #2887;
    - Introduce evidence re #4658;
  - Establish number of employees exposed #78-2173;
  - Maintain injury log #612;6818;
    - Appropriateness of #612;881;1269;1883;2185;3186;
  - Post citation #1011;1078;1269;
    - Arbitrary #3186;
  - Post notice
    - Not if he didn't have form #881;
  - Report accident Sec. 8, Law;
    - None if G on notice #650;
- First visit policy #1575;78-5992;
- Flexible
  - Intent of Congress #93;777;
- Formula for assessing #4;11;58;145;250;80-4227B;
  - Too rigid #3418;
  - Well designed to achieve equitable penalty #123;
- General duty violation [See Sec. 5(a)(1)]

PENALTY (Cont.)

Good faith	#171(RC);520;1466; 2041;2613;3288(RC);
Based on actions and not on view of Act	#10095;
Elements of in repeat violation	#16183(RC);
Offset by history	#557(RC);
Plus low gravity = $0	#9480(RC);
Prompt abatement not factor in	#2613;
Warrants $0	#7848;
Gravity (See)	
As principal factor	#14;83;90;124(RC); 171(RC);319;401(RC); 406;702(RC);742;1151; 1575;1623;1883;1960; 80-6003;
Controlling factor	#5421;
Elements of	#171(RC);319;465(RC); 919(RC);1345(RC); 1623;9980;
Each factor not essential	#2183;
Employer's employees only ones that determine	#688;
Evidence	#14;171;2865;
Exposure discussed in willful case	#76-4719(RC);
Factors not equal	#1040(RC);

PENALTY (Cont.)
Gravity (Cont.)

Guidelines re Appropriate	#439;
Harsh not contemplated on reinsp.	#445;2052;2865;
Hazard principal element in	#741;1705;
Low calls for low penalty	#85(RC);354(RC);383(RC);434;479;1151;1296;1516;1575;1599;1607;1615;1833;1866;1895;2041;2222;77-218;77-2663;
Increased	#6(RC);11;14(RC);33(RC);91;124;221(RC);690(RC);789(RC);832;1035;1040(RC);1205;1265;1345;1541; 16265(RC);1759;1871(RC);2197;3427(RC);4237;13591(RC);15538(RC);76-256(RC);76-596(RC);77-617(RC);77-1811(RC);77-3041(RC);79-1209;80-1224(RC);80-1636;REA;Clarkson;Long;
Based on lack of good faith	#4136(RC);76-2339(RC);76-4219(RC);80-520;
Contrary to Constitution	#690(RC-Dis);5727;
Even tho stipulated lower by parties	#1759(RC);
Failure to abate	#79-6732;
Judge authority to	#690(RC);6790(RC);14315(RC); Calif. Stevedoring; REA;Interstate Glass;
Maximum	#13720(RC);
Not if gravity low	#2911(RC);
Reasons for must be specified	Sheehan;

PENALTY (Cont.)

Increased	
Repeated	**#78-5229;**
Review Commission auth. to	**#4237(RC);Madden;Sheehan;**
Safety program absent	**#80-4414;**
History	
Congress intent by "past"	**#410;642;**
Factor in penalty (all relevant statutes)	**#401;**
Low rate in high rate industry is good record	**#4;123;**
Not restricted to under Act	**#410;1321;**
Official notice of prior violations	**#983;**
Only under the Act	**#4314;**
Prior inspection not basis for det. there is	**#78-3568; 81-1562;**
Prior violations	
Not if on appeal to court	**#6759(RC);**
Under earlier act	**#401(RC);410;**
Subsidiary corporation's not attributable to holding co.	**#78-523;**
Increased - RC may	**#14315(RC);77-4458;Long**
In issue if violation contested	**#370(RC);689;1057;**

PENALTY (Cont.)	
Independent determination by RC	#1040(RC);1744;
Irritant	
Vacated	#60;
Joined	
For 3 items and 1 vacated by Judge	#694;2052;
Many items into 1 serious	#1191;
Judge	
May increase	#935;5782(RC);76-787(RC); 76-1518;Long;
Jury trial not required	Atlas;Beall;Irey;
Lack of uniformity as discrimination	#1833;
Limitation if 10 or less N/S does not preclude citation	#76-2992;
Low monetary	
Depends on gravity	#494;583;2041;
Do little to accomplish purpose of Act	#81;123;191;250;439;583;591;655; 689;779;1310;1612;1687;1705;2113; 2731;3812;13904;79-4887;
Contra (Interstate Glass, cf. 494;637;849;850;851;1310;1705)	#583;
Exception	#186;337;439;591;689;849;850;851; 881(RC);958;1364;1612;1687;2041; 2087;
Irritant only	#60;
No longer in business	#337;689;1255;
Respondent bankrupt	#1610;
Financially poor	#991;1306;2255;

PENALTY (Cont.)

Low monetary (Cont.)	
Unless of high gravity	#591(RC);741;991;
Mandatory	
Serious	#258(RC);1255;
Marginal operation as factor	#1622;
Maximum	#33;2287;
May not be reduced by cost to R of accident	#1394(RC);
Means of regulation	Hutchison Bros.;
Minimal contrary to statute	#1578;
Minimum requirement is contrary to 17(j)	#2535;
Modification of	
Judge may even if stipulated to	#494(RC);
Minor	#123(RC);171(RC);1689;3976;
Multiple standards alleged but single factual situation	#4804(RC);
Need for is not a factor	#1341(RC);
Net profits as guide	#3713;
Nonserious (not required)	#1;2041;
Discretionary	#258(RC);
Of grave nature need to be increased	#90;

PENALTY (Cont.)

Nonserious (Cont.)

Point system used	#2052;
Not a fine	#3688;Atlas;
Not if it puts R out of business	#5755;
Not imposed if serves no useful purpose	#13141;
Notice of contest to also raises violation Inferentially	#1364;7413(RC); #2354(RC);
Notification of Date unclear	#2019(RC);
Number of factors must be considered	#1341(RC);
Number of violations as factor	#1830;
Once assessed rebuttal presumption that 17(j) criteria considered	#370(RC);
Only if R knew of violation	Todd II
Other R cited for same violation is a factor	#13410(RC);
Paid in installments	#1563;
Parties cannot stipulate appropriateness of	#370(RC);
However RC will accept if no one objects a penalty not repugnant	#370(RC);15908(RC);
Posting penalty must be flexible	#2091;
Principal factor	#1;

PENALTY (Cont.)

Proposed	
Advisory only	#702(RC);4448;
Purpose	
Of first instance	#1705;
To secure compliance and not impoverish small business	#1646(RC);
Reasonableness of	#1705;
$1.00 is	#13410(RC);
Recognized hazard required	CTM;
Recordkeeping	#1001;
Reduced from $100 - 17(j) must be applied	#1269;1886;3090;3186;
Reduced	
Factors for	#1191;2246;4212;76-4429; 76-5049(RC);78-4423(RC);79-3163; 80-4227B;80-7175S;81-231;
Abatement	#78-2119(RC);79-4090;80-5474; 81-2085;
All considered	#76-592(RC);76-900(RC);76-1567 (RC);76-3105(RC);76-3444(RC); 77-1756;77-3021(RC);78-5328; 79-731;79-898;79-2288; 79-2827(RC); 79-3438;79-4038;79-4230;79-4787; 79-5737;79-6442;80-1526;80-2267; 80-2760;80-3109;80-3265;80-5271; 80-5455;80-6601;80-6646;80-6678; 81-264; 81-391;81-501;81-1227; 81-1988S;81-2085;

PENALTY (Cont.)
  Reduced (Cont.)
    Factors for (Cont.)
      Allegation(s) not proved #76-20(RC);76-530(RC);76-1656(RC);76-2332(RC);76-4807(RC);77-3014;77-3031;77-4234(RC);78-1202;78-1710;78-2163;78-2462(RC);78-3133;78-4473;78-5010;78-5845;78-6102;79-538;79-692;79-1420;79-1544;79-1588;79-1615;79-2215;79-2519;79-2548;79-2658;79-2780;79-2899;79-3431;79-3683;79-4021;79-4143;79-4194;79-4262;79-4335;79-4449;79-4546;79-4707;79-4709;79-4830;79-4838;79-5033;79-5278;79-5493;79-5521;79-5573;79-5715;79-5763;79-5933;79-6090;79-6331;79-6494;79-6611;79-6736;79-6783;79-7126;79-7165;80-146;80-151;80-268;80-658;80-914;80-1609;80-1759;80-2075;80-2273;80-2387;80-2584S;80-2591; 80-2727;80-2809S;80-2843;80-3295;80-3320;80-3462;80-3921;80-4245;80-4305;80-5537;80-6044;80-6687;80-6960;80-7276S;81-218;81-694;81-954S;81-1524;81-1530; 81-1812;81-1907;

      Charges redundant #80-927;

      Exposure #16235(RC);76-4627(RC);79-2408;79-2735;79-2969;79-4712;79-4754;79-5270;79-5546;80-4345;80-6737;

      Financial impact #7775;8118;79-3778;79-6974;80-4398;

PENALTY (Cont.)
  Reduced (Cont.)
    Factors for (Cont.)

Gravity	#11864(RC);15314(RC);76-910(RC);76-1930;76-2349(RC);76-2617(RC);76-2623(RC);76-4271(RC);76-4371(RC);76-4988;76-5363(RC);77-671;77-1081(RC);77-2922;77-3575-A(RC);77-2848;77-3645;77-3652;78-332;78-797;78-1351(RC);78-1681;78-2894;78-5270;79-569;79-1263;79-1380;79-2205;79-2256;79-2270;79-2379;79-2531;79-2813;79-3009;79-3060;79-3167;79-3189;79-3231;79-3320;79-3817;79-3943;79-4435;79-4517;79-4543;79-4588;79-4603;79-4850;79-4887;79-5025;79-5073;79-5553;79-5676;79-5785;79-6048;79-6223;79-6247;79-6366;79-6583;79-6674;79-6907;80-385;80-933;80-1049;80-1509-S;80-1644;80-1745;80-1880;80-2850;80-3063;79-6635;80-2087;80-4193S;80-2378;79-5420;78-31(RC);79-7127;79-4005;80-4979;79-6649;80-4128;15690(RC);79-69(RC);80-3102;80-4492;80-3808S;80-2571;80-5724;80-6482;80-219;80-6325;80-3708;80-2562;79-6938;80-5309;80-4777B;80-7081;80-6003;80-4029;81-226;78-2041(RC);79-2249;80-1943;80-2974;80-4256;80-5153;80-7045;81-614;76-647(RC);80-888;80-2767;80-2983;80-2984;81-1378; 78-1504(RC);81-1120;
Good faith	#16188(RC);76-3980(RC);77-555;77-2100(RC);78-29(RC);78-1803(RC);79-199;79-2080;79-2984;79-4462;79-4505;79-4979;79-5201;80-3455;80-4711;80-5498;80-5889;80-6490;81-407;81-805;
Good faith and minimal exposure	#9739(RC);79-372;79-2928;79-2940;79-3032;79-3040;79-6671;79-7060;80-473;80-2532;

PENALTY (Cont.)	
Reduced (Cont.)	
Factors for (Cont.)	
Good faith and safety program	#76-891(RC);76-3743(RC); 78-2125(RC);79-2571; 80-2297;80-4245;80-7375; 81-1375;
Good faith and small co.	#79-5655; 81-1975;
Minimal penalty	#81-529;
No prior violations	#76-4754(RC);77-2735;78-4204; 79-1575;79-1630;79-2307;79-3669; 79-4909;79-6145;79-6383;79-6493; 80-568;80-1229;80-3694;80-5088S; 81-1562;
Out of business	#4360;79-4591;
Safety record	#1657;79-1008;79-1214;79-1360; 79-2176;79-2209;79-6180;80-234; 80-273;80-1041;81-351; 81-1664;
Size, small	#2611;3701(RC);76-1803(RC); 76-2677(RC);77-3372(RC);78-5975; 79-1081;79-2586;79-4324;79-4599; 79-4878;79-5358;80-2289; 80-5983;
Vagueness of standard	#80-4810;
Citation sub items not considered	#13401(RC);
Willful to repeat	#80-1268;
None in non-continuing violation	#91(RC);520;1292;
Regulatory and not punitive	Beall;

PENALTY (Cont.)

Repeated violation	
Factors in	#76-2326(RC);
Decreased	#77-2848;
Increased	#78-5229;
More serious penalty than only serious	#78-2525;
Section 17(k) must be considered	#2739;3975;
Respondent no longer in business	#689;1255;
Respondent not resp. for as factor	#3713;
Respondent's poor financial condition	#16310;
Review Commission	
May accept if parties stipulate to it	#2913(RC);
May increase	#609(RC);675(RC);1040(RC); 1681(RC);1759(RC);Calif;Clarkson; Long Mfg. Co.,;
May not increase	Madden;
Sole authority to assess.	#354(RC);370;491;702(RC);801(RC); 983;1256;2524;4044;4448;12411(RC); 80-6661B;Interstate
However SOL may compromise	Madden;
Will not go behind stipulated if not repugnant to Act	#1759(RC);

PENALTY (Cont.)

Safety record	#4;398;2113;78-4952;
Section 17(j) criteria must be heard	#837(RC);
Requires $1	#1315(RC);
Serious (Required)	#1;3162(RC);80-4227B;
Appropriateness of	#4;777;1375;1541;1715;1750;2035;3946;
Criteria	#1320;
Lacks flexibility	#1715;
Single for multiple violations	#2887;80-927;80-7081;
Size of business as factor	#98;119(RC);Desarrolos;
Employees on job as basis	#471;674;688;2246;
Contra	#119(RC);15538(RC);
Equated with ability to pay	#11048;
Evidence doesn't establish	#1886;
Small business with little likelihood of injury	#14414(RC);
Small income a factor	#77-4019;
Small minority business	#1735;
Small % of employee exposed with little likelihood of injury none app.	#13021(RC);
SOL's formula arbitrary	#1722;
SOL's only advisory in contested case	#1265(RC);
Standards for	#1;

PENALTY (Cont.)

State penalty not offset	#2014;
Stipulation re doesn't change RC obligation	#370;777;16183(RC); 81-1412(RC);
RC may accept if record supports	#1446(RC);
RC will accept if no employee objects	#76-702(RC);
RC will accept if not repugnant to Act	#1759(RC);
Suspension for good behavior	#11;
Disapproved	#442;
Suspension for specific period	#442(RC);
Inappropriate in usual case	#442(RC);
Technical	#2222;
Failure to keep form	#78-3532;
Unguarded grinding wheel not $0	#637(RC);
Uniform	#439;79-1381;
Vacated	
Abated	#1728;1735;2613;79-4427;80-785;
Because Secretary only submitted penalty worksheets	#667;
De minimus	#79-1817;78-187(RC);80-2952;
Employee violated work rules	#594;80-1025;
Failure to consider gravity [Sec. 17(j)]	#1883;
Low gravity	#1960;76-787(RC);

PENALTY (Cont.)
Vacated (Cont.)
Minor (See)

Misunderstanding	#791;14484;
No violation proven	#15037(RC);15350(RC);77-983;77-2014;77-3543;77-3646;77-3878;78-1339;78-1877;78-2589;78-327;78-4065;78-5523;78-5927;79-914;79-915;79-1021;79-1173;79-1176;79-1235;79-1339;79-1424;79-1554;79-1585;79-1656;79-1685;79-1719;79-1723;79-2053;79-2452;79-2779;79-2973;79-3179;79-3304;79-3368;79-3370;79-3392;79-3394;79-3515;79-3624;79-3667;79-3951;79-4150;79-4161;79-4222;79-4300;79-4336;79-4360;79-4424;79-5002;79-5117;79-5235;79-5413;79-5507;79-5519;79-5539;79-5707;79-5751;79-5940(RC);79-6083;79-6433;79-6558;79-6604;79-6614;79-7185;79-6896;80-576;80-911;80-1372;80-1420;80-1552;80-1740-S;80-1987-S;80-2261-S;80-2492;80-2849;80-3115;80-3473;80-3733;80-4976;80-2911;78-3766;78-4862(RC);80-3407;80-4844;80-5556;76-4398(RC);80-1783;78-5920(RC);79-4612;80-3494;80-3798;80-5288S;80-3798;79-4733;80-3052;80-5999;79-5070;80-3597;80-4228;80-2717;79-7156;80-5399;80-6785;79-4549;80-6003;80-2771;80-6793;80-4157;81-217;80-1436;80-7356;80-2474;80-5810;80-6182;80-7116;77-383(RC);78-2316;78-2879(RC);80-175;80-671;80-4340;80-6712;76-2802(RC);76-4153(RC);77-2039(RC);77-3285(RC);78-5956(RC);79-234(RC);79-746(RC);80-5714;80-6015;80-6680;80-6924;81-206;81-560;81-920;81-1272;81-2000;81-2102; 76-2636(RC);77-3974(RC);77-4313(RC);79-3135(RC);80-2827;81-1103;
R no longer employer	#1225;
Sec. 17(j)	#12883(RC);

PENALTY (Cont.)	
Vacation of for good faith, etc.	#63;655;779;958;1151;1367;1728;2041;2133;
Violation	
Considered even if final	#5220;
Due to lack of knowledge	#76-322;
Of 1903.2, 16 and 1904.5, 8	#937;
Reduced from serious to nonserious	#1603;
Where R requested inspection	#77-1519;
Willful violation	
Computation of	#701;919(RC);1409;3197;77-387;
Punitive aspect of	Irey;
Working in strange worksite	#76-322;
Zero is a penalty	#211(RC);370(RC);
PERFORMANCE	
Impossibility	#703;
PERIMETER GUARDING	#12525(RC);
Absence of establishes viol. regardless of stage of const.	#7247(RC);
Safety belts in lieu	#657;
Scaffold brace as	#3713;
1926.500 not applicable to steel erection stage	#7247(RC);

PETITION FOR DISCRETIONARY REVIEW	
Good cause required	#79-3136(RC);
Issues raised by Petitioner must brief	#2516(RC);
Must be based on objection made to Judge	#10111(RC);80-2618(RC);
PETITION TO INTERVENE	#77-3050;
Denial of	
Form	#899;
PETITION TO MODIFY ABATEMENT	
Abatement prior to hearing	#78-3778P;
After abatement specified in earlier ALJ decision expires	#10P;
Ambiguous must be referred to RC	#76-4719(RC);77-1493(RC);
Defective	#80-5613P;
Distinguished from NOC to reasonableness of abatement	#76-4719(RC);
Does not tell current abate. requirement	#80-6199P;
Employees must have notice of	#78-4409P(RC);
Even if filed w/i 15 day period for NOC	#76-4719(RC);
Future abatement date past and issue moot	#7885P;79-5910P;80-5613P;
Good faith shown in dust control violation	#79-839P;
Noise - granted	#78-4389P;78-5157P;78-5437;

PETITION TO MODIFY ABATEMENT (Cont.)	
Notice of contest to abatement is PMA	#76-4719(RC);
Only relief is denial or extension	#9438P(RC);
RC has jurisdiction	#1210;
R can file for after RC decision final	#2786(RC);
PHOTOGRAPHS	
Inconclusive leaves burden on G	#1229;
Slides	
Photos substituted	#3853;
Prior to presenting credentials	#4012;
PLACE OF EMPLOYMENT	
Broadly construed	#639;
Discussion of	#3694;7673(RC);
PLATFORM	
Defined	#258;396(RC);2739;5210(RC); 15350(RC);76-2879(RC);79-5002; GE
Discussed	#79-933;
Maintenance area is	#11344(RC);
Presence of ladder does not create inference is	#1231(RC);
Storage area as	#79-933;
Top of conveyor not	#77-4313(RC);
Top of elevator not	#13140(RC);

PLATFORM (Cont.)	
Top of turbine not	#76-2879(RC);
Work product not	#5210(RC);
PLATFORM RAILING	
Defined	#367;
Meat processing plant re variance	#508;
PLEADINGS	
Alternative (See Citation)	#161(RC);2805;6764;6969;6972;8842;
Permitted, if no prejudice	#3502;5324(RC);79-557;
Permitted, at end of trial if fully tried	#16140(RC);
5(a)(1) or 1910.22(a)(1)	#78-6177;
Amendment of (See AMENDMENT)	
Answer is first responsive (But see dissent)	#14315(RC);
Conform to evidence	
Both parties must agree to	#3502;
Exposure need not be pleaded	#15598(RC);
Failure to file timely	#13659;
Item in citation not included is abandoned	#694;
Liberally construed	#810(RC);16235(RC);79-2969;Nat. Realty;GE;
Nolo contendere	#214;

PLEADINGS (Cont.)	
OSHA better straighten up	Ringland-Johnson;
Pro se's liberally construed	#6031(RC);79-2531;
RC's are notice pleadings and only require fair notice	#11865;
Without prejudice	
Dismissal is unless it states otherwise	#78-5704;
POINT OF OPERATION	#81-671;
Automatic inspection point not	#78-4873;
Clamp type machine	#5241(RC);
Definition	#16188(RC); 76-647(RC);
During maintenance operations	#77-4476(RC);
POLICY	
Re penalty on first visit	#1575;
Re withdrawal	#106;
PORTABLE LADDER	
Imposes greater duty on mgmt.	#90;
PORTABLE TOOLS	
Must be secured at all times	#90;
Down for repair not basis for citation	#298;433;
Grounding of	
Adaptor supplied	#298;
POSTING	
Adequate notice of if employees don't have status	#5430(RC);

POSTING (Cont.)
- At permanent office #10556;
- Away from work site #5816;80-2952;
- Citation #725;2091;
  - Penalty for not #2007;2091;
- Establishment defined #80-1987S
- Extenuating circumstances re not #10920;
- Government must furnish poster, even tho R aware he must post #4220;
- Inside brief case not #11050;
- Inside lid of tool in #10556;
- Motion to vacate must be #4793(RC);
- Motion to dismiss must be #12667;
- Multiple worksites #80-1987S
- Notice of contest #79-454(RC);
- Poster
  - At home site of employees #2007;80-7048;
  - Establishments #80-1636;
  - Must be in a place where all employees likely to see #13084;
  - Only to extent furnished #237;398(RC);1004;1097(RC);9342; 79-3685;

POSTING (Cont.)	
Poster (Cont.)	
Penalty assessment for	#1589;
Prima facie violation	#80-7140S;
R may not raise issue re	#12831(RC);
Requirement	Sec. 8(c),Law;#2007;
Settlement agreement must be	#4323(RC);
Settlement agreement where employees represented	#6112(RC);
Summary of injuries, etc.	
Penalty for not	#2091;
Not required	#2571(RC);
Unused worksite	#678;
Violation	
Penalty must be assessed	#4049(RC);
PRECEDENT	
ALJ decision as	#1373(RC-Dis);
Circuit Court decision as	#1681(RC);1690(RC);2295(RC);
Not if RC does not accept	#13853;
Only in own circuit	#12775(RC);
PRE-HEARING	
Conference	
Disposing of issues	#6554;
Parties should stipulate facts	#239(RC);

PRE-HEARING (Cont.)	
Order	
Acceptance of binding	#4264;
Failure of party to comply with May invoke sanctions	#2630;12713(RC);78-5034(RC); Forteza;
SOL failure to list CO R not prejudiced	#12831(RC);
Witness list Those not listed excluded	#80-999(RC); #4533(RC);
PREJUDICE	
Creation of labor-mgmt. problems not	#76-3241(RC);
Element of	Cornell;
Must relate to defense	#76-3241(RC);
PRE-TRIAL INSTRUCTIONS	
Failure to fully respond to	#5104;
PRE-TRIAL ORDER (See Judge)	
PRIME CONTRACTOR (Also see Employer)	
Not exposed to subs violations	#3301(RC);
Not responsible for subcontractor	#69(RC);142;413;597(RC);810;949; 1375;1615;
Contra	#504(RC);12775(RC);81-1366(RC);
Elements to make him resp.	#621(RC);810;1949(RC);Knutson;
Privilege - documents	#1343;

PRIVILEGE COMMUNICATION	
Attorney-Client	
Elements of	#5873(RC); #10833(RC);
Photographs by R not	#10833(RC);
PROGRAM DIRECTIVE	
As authority	#9994;
Cannot modify standard	#1906;77-2876;
Not binding on RC	#78-414;
200-15A	
Unlawful	#5355;
PROMPTNESS (See same heading under Citation)	
PROOF OF CASE (See OFFER OF PROOF and EVIDENCE)	
By facts and not assumptions	#412;801(RC);
Employee exposure	#4356;
May not reopen closed hearing to est.	#25(RC);(Rev. on Appeal);
Must show employee is R's	#4808;
Offer of proof, Judge must allow	#4533(RC);
Prior viol.	#78-1080;
PROOF OF FACTS (See Burden of Proof)	
Elements for prime to be liable for sub.	#810;

PROOF OF FACTS (See Burden of Proof) (Cont.)	
Failure of by G	#262;
Crane within 10' of power line	
Even tho employee burned by elec.	#13057;
Where CO is poor witness	#137;
Must be clear and convincing	#412;80-6924;
Not need if complaint withdrawn	#192;193;
Violation established on different date	#158;
PRO SE	
Not bound by concession of violation where did not make informed choice	#15858;
PROTECTION	
Must be achievable	Empire;
PROTECTIVE CLOTHING AND EQUIPMENT	
Alternative pleading in perimeter guarding case	#10411(RC);
Apron	#6499(RC);
Discussed	#1541(RC);
Dynamite plant	#3818;
Employer must enforce wearing of	#624;2931(RC);79-2899;
Employer obligation to require use	Gen. Elec.;
Employer not required to furnish under 1910.132	#199(RC);76-6736;Budd;

PROTECTIVE CLOTHING AND EQUIPMENT (Cont.)

Eye	
Potential injury	#80-6325;
Safety glasses not prot. against welding glare	#10920;
Soldering	#80-4157;
When side shields required	#302(RC);8274(RC);
Face mask	#81-239;
Over beard	#77-2235;
Failure to furnish	#28;195;266;76-1053(RC);
Failure to use	#76-1053(RC);
Isolated event	#12696(RC);
Fall hazards (1910.132)	#77-1545(RC);
Feasibility of using burden is on R	#15855(RC);79-5201;
Floatation devices	#78-6265(RC);
Hardhats	#259;2818;13591(RC);13874(RC); 16200(RC); 78-1353(RC);79-5553; 79-6049;80-4844;
Must be hazard of falling or flying objects	#1096;79-2753;
Plastic bump helmets not	#1516;
Use must be required	#78-2881;
Helmet accessories	
What are	#4445;
Inappropriate	
Rebuts prima facie case	#16235(RC);

PROTECTIVE CLOTHING AND EQUIPMENT (Cont.)

Knowledge within industry of req. for	#676(RC);1541(RC);
Lifeline not included under 1910.132	#1113;
Lifeline not required on flat roof	#1382;
Mere furnishing not enough	#687;79-2658;80-5205;
Mesh apron	#6499(RC);7207(RC);
Mesh gloves	
In retail establishment	#703(RC);7031(RC);7111(RC);7533 (RC);8220(RC);10661(RC);10667(RC); 11018;12270;
In slaughterhouse	#450;
Need for must be est.	#78-139;79-6145;
Not worn but cited as not provided	#1871;
Only after Eng. & Adm. fail in 1910.93	#722(RC);
Only needs to be conveniently available	#258;302(RC);
Only required if industry requires	B&B
Ordinary industrial clothing as	#1487;
Provided	
But not used by employees	278 Atl. 2d 381;#111;158;237;258; 676;914;6644;
Defined	#199;215(RC);

PROTECTIVE CLOTHING AND EQUIPMENT (Cont.)

Prudent man test determines need for	#6083;
Read in light of forseeability	#76-4636;
Reasonable man test determines need	#14291(RC); 16265(RC);16067(RC); 76-1053(RC);76-2760(RC); 78-1504(RC); 79-6736;80-3295;80-4561;80-5271S; 80-6737;81-1015;B&B;
Industry practice effect	#78-6247(RC);
Refusal to wear	#703;5594;
Required if reasonable man would use	B&B
Respiratory program	#79-6366;
Safety harness	
On flat roof	#76-1918;
Responsibility on both employer and employee	#777;
Shield	
Does not include tire cage	#2423;
Shoes	#3664(RC); 78-1504(RC);79-407; 80-7351S;Am. Airlines;McLean Trucking;Ryder;
Caps satisfy 1910.132	#76-1108;
Freight handlers need	McLean;Ryder;
Greater hazard	#80-3652;
No injury shown, hazard not est.	#793(RC);
Type intended	#195;215;793;1085;79-6035

PROTECTIVE CLOTHING AND EQUIPMENT (Cont.)	
Vague standard	#79(RC-Dis);
Not so	Ryder Truck;
Reasonable man test	Cape & Vineyard;Ryder;
Warehousemen need	#76-3857(RC);
What a reasonable man would deem sufficient	Am. Airlines;
Protective Order - Privacy Rights	#77-4297(RC);
PROTECTIVE ORDER FOR TRADE SECRET	
Elements of	#77-648(RC);77-3861(RC);
When it will be issued	#77-648(RC);80-3866;
PUBLIC INTEREST	#76-662(RC);76-5052;77-643(RC); 77-2235(RC);77-3491(RC); 77-3893(RC);78-1361(RC); 78-4195(RC);
PURPOSE OF ACT	#79-5762(RC);
Best accomplished by vol. compliance	#1(RC);756(RC);
Correction before injury	#43;
Minor penalties do little to eff. Act	#123;
Not to determine employer's liability for death	#184;
Principal	#123;612;
Protect employees only	#1008;
Who provides	#195;215;391(RC on motion);

RAILING	
Rope not	#6495;
REASONABLE EMPLOYER TEST	
Established by actual custom & practice in that ind.	Power;
REASONABLE PROMPTNESS (See Citation)	
REASONABLY PRUDENT MAN	
Established by industrial custom and practice B&B	
Broader than above	#80-4561;Bristol;
Test applies to general duty (5(a)(1)) & various standards	Bristol;
REASSIGNMENT OF CASE ON DEATH OF ALJ	
Procedure	#76-3064;
RECONSIDERATION (Also see REINSTATEMENT)	#454(RC);723(RC);1070 (RC);1420(RC);
RECORD (See Transcript)	
RECORDKEEPING	
Any reasonable alternative form will suffice	#1097(RC);
DOL does not have to furnish specific form	#1097(RC);
General	#76-5033(RC);Sec. 8(c), Law;
FRA	
Does not exempt RR industry	#80-3495(RC);
Info. avail. but not on form	#3090;
Not excluded by Sec. 4(b)(1) exemption	#837(RC);
Not required until accident requires	#298;
To keep empty log	#146;
Penalty for	
Sec. 17(j) must be applied	#3090;

RECORDKEEPING (Cont.)	
Respondent cannot delegate away	#258;
Required on each workplace	#612;
REGULATIONS	
Arbitrariness	
Not if it serves administrative convenience	Desarrolos;
Construction of	#657;922;945;1416;1761;
Interpretation	#247;507;525;
Vague etc.	#2128;
Invalid	#1572;1833;
Need only approximate result of case by case adjudication	Desarrolos;
Violation of own by SOL regs. prej. to R	#77-1999;
REINSPECTION	
Within 15-day period to contest	Kesler;Haybuster;
REINSTATEMENT	#5422(RC);5423(RC);6031(RC);
After dismissal (30 days ran)	#1468;15074(RC);
Liberally granted	#13659;
Dismissal by Court of Appeals of Judge's decision	#1468(RC);
For good cause	#79-2283(RC);
REMAND	
Hearing on limited to issues stated by RC	#9627(RC);Atlantic Marine; Fieldcrest
Parties agree to	#80-6256(RC);

RENTAL SPACE	
Employer liable	#961;
Equipment	
Defect in	#1207;
"REPEATED" (See Violation)	
REPORT OF ACCIDENT	
Failure to	
Not violation if G aware of acc.	#650;
Workers compensation reports not	#80-3225;
REPORT OF FATALITY	
Not required if G aware	#650;
REPRESENTATION	
Non-attorney may be	#76-4063(RC);
R's insurer may not unless designated	#2;
REPRESENTATIVE OF THE EMPLOYER	
Defined	#79-132;
RES IPSA LOQUITOR	
Not applicable to OSHA	#1363;77-834;
RES JUDICATA (See COLLATERAL ESTOPPEL)	
Discussed	#245(RC);587(RC);1539;2200(RC); 2873(RC);5079;7855(RC);13417; 77-3949;78-238
Does not apply to PMA - can show no viol.	#603(RC);900(RC);
Requires final decision	#8859;
Same R and issue as prev. case (jurisdiction)	#77-3949;79-2380(RC);
But union party in 2d case	#76-4388;

RESERVED TITLES IN STANDARDS	
Do not create exemption	#1416(RC);
RESPIRATOR	#13102(RC);77-1334(RC);77-3041(RC); 79-3009;80-927;80-1943;80-4340; 81-407;
Temporary protection only	#10;2276;2279;77-2545;80-4398;
Toxic gases	#77-1807(RC);78-2426
Types	#79-6221;
RESPONDENT	
Bankrupt	
Wants to drop case	#76-2576;
Corporation	
Duty to advise employees re safety	#9107;
Identify may be disregarded to effectuate legislative purpose	#2279(RC);
Corporate officers	#14910(RC)
Corporate subsidiary treated as sep. R	#849;
Correcting corporate name in record	#1871;
Failure to appear at hearing (See Failure to Appear)	
Joint venture (See)	#1988;
Piercing corporate veil to determine	#3776(RC);
Right under State law not det. by RC	#184;
Subsidiary as separate R	#849;

RESPONDENT (Cont.)	
Waiver of rights	#1016;
RESPONSIBILITY OF EMPLOYER (See EMPLOYER and VIOLATION, Responsibility)	
REVIEW	
Basis for	#4845(RC);
50-day rule	#6804(RC);
Direction for	#494;
Vacated	#4845(RC);13693(RC);13749(RC);
REVIEW COMMISSION (RC)	
Affirm without review	#78-3006(RC);
Adjudication by (See Decision)	
Court set aside if arbitrary, capricious, etc.	Hanovia;
Final	Fiegen;
Adjudicatory body	#3948;14774;
Administers Act	#77-2096(RC);
Administrative agency with expertise	#10825(RC);
Agency within 10(c) of Act	#2687;
Appeal from	
CA may not sub. its judgement for	RMI;
Scope of review	RMI;
Authority over abatement	
May shorten or lengthen	Int. Union.;
Authority to	
Affirm ALJ, not by 1 to 1 split	Shaw;Cox;Willamette;

REVIEW COMMISSION (Cont.)

Authority to (Cont.)

Cannot substitute its knowledge for industry practice	B&B
Consider all issues after NOC	#1760;
Consider issue not considered by Judge	#1060(RC);
Consider validity of standard	#345(RC);676;1410;2975;5958(RC); 6742;76-256(RC);79-2220;
Consider violation if NOC to penalty only	#25;2354(RC);3375;
Constitutional applicability may be determined	#1053;
Court	
RC is not	#3367(RC);
Determine if standard properly issued	#1572;
Discretion to draw inference from record	
CA will not upset RC det. re	Nat. Steel;
FoF conclusive where evidence supports	B&B
Increase severity of violation	#5727;
Interpret standard	#195;295;
Entitled to deference	International Union;Knutson;
Modify abatement where no NOC	#1210;4514(RC);
Reject ALJ credibility finding	
Must give reasons	Gen. Dynamics;

REVIEW COMMISSION (Cont.)
Authority to (Cont.)

Review any issue, once review directed	Calif. Stevedore;
Set penalties	#1;Interstate Glass;
Suppress evidence after warrant	Quality Products (CCH 23,328);
Upgrade penalty	#43;221;266;
Cannot add facts not in record	#456(RC);
Cannot substitute its knowledge for industry practice	B&B;
Commencement of time for review	#6804;12573(RC);
Comp. of time to direct for review	#494(RC);
Contempt powers	#2314;
Court of Appeals	
Decision not binding on	#8468(RC);15855(RC);
Not party before	Cooney;
Court will defer to expertise of	Lee Way;Southern RR;
Court will uphold if substantial evidence supports	Horne;
Credibility determination by judge will not be disturbed	#3460(RC);14899(RC);76-191(RC); 76-192(RC);76-5007(RC);
De Novo review	Interstate Glass;

REVIEW COMMISSION (Cont.)

Dec. does not est. liab. under state law	#184;
Dec. must be based on evidence of record	#77-1796(RC);
Dec. on 5(a)(1) not precedent for standard	#237(RC-dis);
Direction for review	#76-2894(RC);79-3136(RC);
No issue indicated	#77-4333;78-611(RC);
Once directed only majority can act	#370(RC);
Vacated	#78-741(RC);
Establish policy	
Only incidentally	Madden;
Fact findings	
Commission will not disturb those by judge	#3460(RC);14188(RC);
Contra	#79-1269(RC);
Commission ultimately responsible	#76-2623(RC); 77-1796(RC);79-1269(RC);
Conclusive where evid. supports	B&B;
Same deference by court as to NLRB	Hanovia;
Findings accepted unless w/o sub. basis in fact	#3460(RC);Republic Cresoting;
Function of	#221(RC); 77-2096(RC);
Interpretation re meaning of Act by	Republic Cresoting; #4264;
Deference accorded	Western Elec.;Diebold; RMI;
Issues raised before must be disposed of	Hanovia;
Judge's dec. based on credibility will not be distrubed	#642(RC);

REVIEW COMMISSION (Cont.)

Jurisdiction	
Begins with date of receipt of Judge's decision	#722(RC);
Evidence re validity of warrant taken by	Savini;
Invoked by NOC	#14822(RC);
Late filing	#80-1920(RC);
Judge retains during 20 day period	#9561(RC);
NOC invokes, not citation	#14822(RC);
Over final order	#79-2380(RC);
Over rule making by SOL	#2375;2975;
Over settlement agreement	#78-1708(RC);
Over validity of standard	#3973(RC);
To consider applicability of standard	#1410;
To reopen 30 days after dismissal	#1468;2309;Otinger; #5422(RC);6031(RC);
Under remand order	#77-1894(RC);
Labor Dept. det. not binding on	#10825(RC);
Lacks auth. to rule on non-contested item	#946(RC);
Legal basis for violation may be changed by	Gen. Dynamics;
May correct erroneous application of law any time	#1060(RC);

REVIEW COMMISSION (Cont.)

May consider its own final decisions	#6031(RC);
No review if parties show no interest	#6195(RC);
Not limited to issues on which submission invited	Accu-Namics;
Other appropriate relief	#2739(RC);
Parties do not petition, RC will not take	#6195(RC);
Party in court	Gilles & Cotting;
Penalty det. by are de novo and may increase proposed	Calif. Stevedore;Interstate;
Penalty may be assessed by even though Judge dismissed complaint	Accu-Namics;
Power to order abatement at other worksite	#2739(RC);
Precedents prevail unless Supreme Court reverses	#15450(RC);
Presumed to have technical expertise and experience	Republic Cresoting;
Proper party	Diamond;
Reconsideration by	#454(RC);723(RC);1070(RC); 1420(RC);
Relation to ALJ different from D.C. to Appeals Ct.	Champlin;
Reopen after 30-day review period has passed	#5422(RC);Otinger;

REVIEW COMMISSION (Cont.)	
Represents public interest	#935;
Reversal of Judge by	
Must be explained	Gilles & Cotting;
Must be supported by substantial evidence	Smokecraft;
Review by when parties don't want	#78-3352(RC);
Review is de novo	#2270(RC);
Rule (See RULES OF PROCEDURE)	
Should not create disputes where none exist	#76-4719(RC);
Two member split not final	Shaw;Willamette;
Vacate direction for review	#4845(RC);
RIPSAW, HAND FED	
Modified	#4033;77-3040(RC);77-3542(RC);
ROOF (See Floor)	
ROOF GUARDING	
Flat roof	
Not an opensided floor (500(d)(1))	#364;503;532;581;598;963; 1102;1295;1382;5750(RC);8173(RC); 8275(RC);8525(RC);Langer;Diamond;
5(a)(1)	#15681(RC);77-930;77-4139; 79-1420;
Not appropriate	Schriber;
Safety belt not required	#1382;1492;
Standard of care required	#77-1568;

ROOF GUARDING (Cont.)	
Skylight holes	#80-457;
Slope	
Steep defined	#76-357;
RULES OF EVIDENCE (See EVIDENCE)	
RULES OF PROCEDURE	
Literal compliance not required	#76-3799;
Review Commission interpretation binding	#15169(RC);
Technical breach of not basis for depriving R of hearing	#2607;
1(1)	#524;
4	#79-3136(RC);
5	#76-909;80-3347(RC);
6	#77-2720(RC);
7(a)(d)	#3508;79-3136(RC);
8(c)	#2873;3818;
9	#78-5034(RC);
10	#79-949(RC);79-1625(RC); 76-4276(RC);
12(c)	
Interlocutory appeal (See)	#192;
20	#76-4572(RC);78-127(RC);

RULES OF PROCEDURE (Cont.)

21(See Intervention)	#77-3050(RC);78-127(RC);78-3166(RC);
21(b)	#78-127(RC);
22	#76-4063(RC);
29	#78-446(RC);78-1269;
32	#1625;
33(a)(1)	#1690(RC);3556;79-6850(RC);80-75(RC);80-1672(RC);
33(a)(2)(iii)	#78-4999:
33(a)(3)	#285;1624;1645;1690;76-1174(RC);
Strict adherence to not fatal if R not prejudice	#12767(RC);Jensen;
33(b)(1)	#1434;3508;80-6865P;81-1251P;
33(b)(2)	#2676;2789;3086;3508;
34 & 35	#1942;2017;77-1493(RC); 79-5772P(RC);81-1251P;
37	#79-1552(RC);80-2618(RC);
38	#79-6850(RC);80-75(RC);80-6199P;
51 Same as FRCP 16	Marquette #12713(RC);
52 (Request for Admissions)	#10198(RC):10952(RC);80-4099; 80-6246;
Amendment to answer to request permitted where R not prejudiced	#7626(RC);

RULES OF PROCEDURE (Cont.)

52 (Cont.)		
	Failure to answer	#79-2156;
	Means what it says	#76-909;
53(a)		#13732(RC);77-2512;
54		#78-1361(RC);
60		#3550(RC);
(b)	Auth. to reopen final order	#15074(RC);
61(b)		#80-3115;
61(c)	N discretion in judges	#15965(RC);
62		#79-6784;80-4532;80-5006S; 80-6661B;
62(c)		#77-2720(RC);79-1157(RC);
66		#2309;2920;
66(h)		#80-3347(RC);
67		#80-146
72		#510(RC);
73		#1942;
75		#5873(RC);
75(b)		#79-570(RC);
75(c)		#76-1656(RC)

RULES OF PROCEDURE (Cont.)	
76	#76-1656(RC);
90	#76-2802(RC);79-3136(RC);80-6661B;
90(b)(1)	#16059(RC);
91(a) Petition must specify issue	#76-2994(RC);
91(b)	#78-5450(RC);
91(b)(4)	#79-3136(RC);
92(d)	#76-406(RC);76-1201(RC);76-2894(RC);
100(a)	#80-999;81-347;
100(b)	#77-3769(RC);81-501;
100(c)	#912;2922(RC);77-3769(RC); 77-3817P(RC);78-446(RC); 78-452(RC);78-4449(RC);
103	#78-1485(RC);
104	Southern Colo.
108	#2095(RC);
Not applicable to provisions of the Act	#4532;
200	#80-2809S;
206	#80-2809S;
205	#80-5006S;
"RUNWAY"	#14300(RC);
Distinguished from platform	#1410;

SAFETY	
Responsibility for on employer	#77-2762;
SAFETY BELT	#609(RC);762;2249(RC);80-2760;
Being used even tho detached while moving	#76-891(RC);76-2258;
Greater hazard on top of elevator	#76-2787;
Not feasible for	
Connectors	#78-5571;
Roofers	#76-4361;
R must have uniform & eff. enforced work rules re	#14249;
SAFETY DEVICE	
Not tested by compliance officer - vio. not est.	#2960;
Work rules not	#4859(RC);
SAFETY LINE	
Absence of as serious violation	#41;983;1205;
Failure to use because difficult	#13638;76-5241;
Must be tied off	#644;Southwestern
Refusal to wear	#703;
Required over 25 feet (1926.28(c))	#5482;
SAFETY NET	
Either net or other safety device	Southern Contractors;Verne-Woodrow;Southern Colo.
Exterior	#80-2760;

SAFETY NET (Cont.)

Only where other safety means impractical	#117(RC);226;1113;1166;1262;1492;1607;1670;2052;3657;4359;4745;80-457;Pearl Steel;Fiegen;

SAFETY PROGRAM (See TRAINING)

Adequacy of	#16162(RC);76-1538(RC);77-3021(RC);79-3515;Gen. Dynamics;77-3772(RC);
Burden of est. inadequacy of on SOL	#76-1060(RC);79-3394;Ocean II;
Adequate but employee violated anyway	Champlin;
Adequate enforcement of required	#76-2748(RC);80-4844;
As defined to violation based on accident	#15;
Burden on SOL	Ocean;
Consists of	#78-5637;
Differs from training	#79-6611;
Effective is defense to unsafe condition	#378;9295(RC);15472(RC);15760(RC);79-1420;79-1585;79-6558;
Good but not enforced	#13266(RC);79-557;
Granting wide latitude to ignore not "an effective"	#76-1924(RC);
Inadequate	#13266(RC);76-4271(RC); 77-2096(RC);77-3021(RC);78-2621; 78-3491(RC);79-2724;79-3231;81-1977;Pike;Danco;
No inspection program	#80-6116;
Ineffective	#78-1562;
Skilled worker	#80-1526;

SAFETY PROGRAM (Cont.)	
Judge must make finding re adequacy of	Butler;
More than generalized instruction to be careful	#13685(RC);79-1921;81-529;
More than written instruction	#13832(RC);
Must be understood	Gen. Dynamics;
Order to perform dangerous act raises doubts re	Ocean;
Supervisor must advise employees	#79-4517;
Verbal warning inadequate	#13266(RC);
Weekly safety meetings alone not enough if it doesn't truly promote safety	Georgia;
What a conscientious expert seeking to prevent all hazards would do	Gen. Dynamics;
SAFETY RECORD	
Doesn't validate safety program	#77-3021(RC);
Not factor in determining hazard	#12501(RC);
SAFETY RULE	
Communicated not enough	#76-1296(RC);76-2414(RC);76-3010; 80-268;
Employee decides if hazard exists	#15472(RC);77-91;
Existence of creates sub. prob. of acc.	#1;
Existence of doesn't est. recognized hazard	#3818;

SAFETY RULE (Cont.)	
Limited to particular hazard	#77-3567;
Mgmt. example may determine mgmt. failure	#85(RC);
Need not be in writing	#402;419;
Noncompliance with by supervisor	#13266(RC);77-2762;78-6265(RC);
Not enough to issue but must enforce	#16265(RC);76-911;78-6265(RC);79-2700;
Observance of delgated to mfg. not valid	#15769;
Specificity required	#16093(RC);
Vigilant enforcement in large shipyard	#78-1490;
Viol. of by employee as defense	#85;1815;77-3878;79-1173;80-3866;
Viol. of by mgmt. puts mgmt. on notice	#85(RC);
SAFETY SHOES	#793(RC);79-5235;79-6035; 80-3102;McLean;Ryder Truck; Ark-Best;
Employee preference irrelevant	#79-6180;
If standard requires employer, must prov.	#793;Budd;
Not required to protect against trip and fall	#1085;
Reasonable precedent employee test	#80-4976;
Specific hazard must be shown	#6120;79-4150;
SAFETY POLICY	#15919(RC);
SAW GUARDING	
Not always feasible	#2271;

SCAFFOLD #76-4507(RC);
  Brace as perimeter guard #3713;

  Defined #367;
    Swinging #12174(RC);

  Fall distance not determined by height of scaffold #7542(RC);

  Height computed from resting surface to top of scaffold #7542;

  Load limits #79-4324;

  Rollout #81-1664;

  Single point #80-5999;

  Spanner #76-2332(RC);

  Stabilizers #80-4099;

  Two point suspension #76-3697;

  Types distinguished #899;79-4021;80-1420;

SEAMEN #2240(RC);76-4905(RC);79-6896;

SEARCH WARRANT (See INSPECTIONS)

SECRETARY OF LABOR
  Delegated responsibility #1572;1715;

  Discretion to prosecute #8165(RC);10340(RC);
    Contra #76-4761(RC);

  Must follow his own regulations #2128;

  Prosecute promptly #76-1698;

SECRETARY OF LABOR (Cont.)	
Regulation must follow intent of Congress	#2128;
SECTIONS OF THE ACT	
Interpreted to effectuate purpose of Act	#1087(RC);
SECTION 3(5) OF THE ACT (652(5))	#12651;76-4774(RC);77-1290(RC); 77-2720;79-4110;
One employee sufficient	#76-4026;80-3592(RC);
SECTION 3(8) OF THE ACT (652(8))	#2739;
SECTION 3(9) OF THE ACT (652(9))	
Discussed	#1694(RC);76-647(RC);80-3295;
SECTION 3(10) OF THE ACT (652(10))	#76-647(RC);
SECTION 4(b) OF THE ACT (653(b)) (See Jurisdiction)	
Agriculture	#1671;
Air Force contract not exempt	#76-733(RC);
Applies if leg. is to protect employees	#61(RC);251;837;
Applies only to specific working conditions	#1348(RC);
Armed Services Procurement Regulations	
Do not regulate safety	#16056;
Burden of establishing an R	#75 4517;
Coast Guard	
Juris. over crew member	#10820;
Sea harvesting	#78-1618;
Consumer Product Safety Comm.	Am.Pet.Inst.
Corps of Engineers	#16056(RC);

SECTION 4(b) OF THE ACT (Cont.)

Customs Regs.	#16355;
Defense under not jurisdictional	#1672;5960(RC);
Defined	#2679;
Discussed	#683(RC);839;1098;1132;1588(RC); 1593;1697;1893;1971;2357;2524; 2546;2696;3638;4078;4318;5566; 5936;
DOD Contractor	
Not exempt	#4263;
Dynamite storage	#9342;
"Employments" does not mean whole industries	So. Pac. Trans.
Exclusion does not apply to recordkeeping	#837(RC);
Exemption	
Advance notice of proposed rulemaking not	#10334(RC);10541(RC);12783; 78-2163;
Agriculture	#1671;
Airline maintenance manual with safety topic	#9392(RC);76-3506(RC);
Applies if other agency will protect workers from hazard	#12420(RC);15462(RC);
Authority must be actually exercised	So. Pac. Trans.;
Burden of establishing on R	#10799(RC);78-4537;

SECTION 4(b) OF THE ACT (Cont.)

Exemption (Cont.)

DOD discussed	#4263;
DOT	#454(RC);723(RC);1070(RC);1348;1588;1873;2546;3038;4318;76-1704(RC);77-2289(RC);79-2122;
FAA	#2524;13649(RC);78-918(RC);79-4336;
FRA policy statement	#78-2119(RC);
Recordkeeping not preempted	#78-1504(RC);79-1277(RC);80-3495;
Federal RR safety Act	#738;76-1182;77-3050;79-1277(RC);80-1436;Southern RR;
Gas pipeline	#4078(RC);4091(RC);10646(RC);10786(RC);10799(RC);
GSA not	#11127(RC);
Motor carrier not	#10889(RC);
Must be directed to employee health and safety	#251(RC);
Narrowly construed	#1348(RC);
Narrowly construed if another Fed. agency exercises	#10699(RC);
NGSPA	#77-2289(RC);
Nat. Transport. Safety Bd (NSTB)	#79-4336;
Not industry wide	#738;1348(RC);2679;4419(RC);10111(RC);10699(RC);12756(RC);Southern RR;
Only if another agency actually controls	#2679;

SECTION 4(b) OF THE ACT (Cont.)

Exemption (Cont.)

Only if regs. cover specific work condition	#837(RC);
Requirements for	#1348;
Seaman on Coast Guard supervised vessel	#12969;
Truck dock workers	#6483(RC);
"Exercise" means the protection must be more than incidential or fortuitous	#61(RC);76-4905(RC);77-3050;
"Exercise" means more than proposal to adopt rules	#738(RC);12420(RC);15920; 76-1182(RC);B & O RR;
Explosives	#1098;
Federal Railroad Adm. regulation	
Exemption determined by intent	#78-918(RC);78-5805(RC);So. Pac. Trans.;
Judge may raise issue of	#9506;
Lack of juris. - an alt. def.	#3818;
Affirmative defense to be presented	#3818;
Longshoring	#1671;
Mine safety (Interior)	#1134(RC);15462(RC);
Not jurisdictional	#6706(RC);10111(RC);77-3050;
Nuclear ship	#4350;

SECTION 4(b) OF THE ACT (Cont.)	
Other agency rule directed to surroundings and work hazard	So. Pac. Trans.;
Other legislation	
Examine purpose to see if protect employees	#4263;
Railroad	#738;1348(RC);1697;2679;4419(RC); 5936;9616;10698;10732(RC); 11904(RC);11418(RC);12783(RC); 14483(RC);78-2163;78-2739(RC); 78-4611(RC);78-4833;80-1436; Southern RR;
Non RR employee working on top of boxcar	#78-2610;
Not common carrier	#80-1436;
Regulation must be to protect health & safety	
Handling of noxious materials	#9506;
Satisfed if regulation to protect employee	#4091(RC);
Sea harvesting (Coast Guard)	#78-1618;
Ship modification not excluded	#77-1527;
Truck line	
Maintenance facility for	#78-2818;
"Working Conditions"	
Defined	#76-4905(RC);Southern RR;
SECTION 4(b)(2) OF THE ACT	#79-4478(RC);
SECTION 5(a)(1) OF THE ACT (654(a)(1)) (Recognized hazard)	
Abatement duty under means take feasible steps	#76-2690(RC);

SECTION 5(a)(1) OF THE ACT (Cont.)

Absence of injury relevant	#78-4459;Titanium;
Absolute duty to detect & exclude hazardous condition	#77-2130;Champlin;
Accident cause unknown	#78-4574;
Accident not required	#76-2690(RC);79-1728;Titanium
Achievable	Titanium;
Actual disability not necessary	#10;
Advisory std. can't be minimum level of employer conduct under	#80-2984;
ANSI standard re cited practice establishes	#2648(RC);78-5820;
Applies only to own employees	#77-4100;
Building wall w/o safety devices	#1329;
Burden of proof under not applicable to spec. standard	#15855(RC);
Burden on SOL to show R failed to render workplace free from recognized hazard	#78-2316(RC);
Burden on SOL to demon. feas. measure reduces hazard	#15169(RO);79-4614;Champlin;
But abated Sub. events created new one	#874;
Cannot be used to include new tech. to short-cut Rulemaking	#78-6177;
Cannot req. more than a specific standard	#5157;

SECTION 5(a)(1) OF THE ACT (Cont.)

Charged but RC found violation of standard	#161;1046(RC);
Common-law duty	#394(RC);471(RC);
Constitutionality of	#78-866;
Criterion re not valid if applied to standard	#827;2052;
Defined	#10;19(RC);25;43;79;98;100;154; 394;471;515(RC);680;874;1009;1367; 1916;2542;2576;5288(RC);8123(RC); 11903;13591(RC);76-450(RC); 77-1084(RC);77-1796(RC);79-2205; 79-5762(RC);Empire;Getty Oil;Myers; Natl.Realty;
Det. by State standards	#74(RC);
Discussion of legislative history	#82;
Does not est. violation	#995(RC);
Drilling rig	#80-496;
Elements of	
All must be established	#78-2192;79-1176;79-5117;
Eliminate preventable accidents	#78-3229;
Employee cont. neg. not a defense	#2283(RC);Champlin;
Employee disobedience in presence of foreman	#2283(RC);
Employee exposure required	#10506;
Employee misconduct does not obviate	#5960(RC);
Employee negligence	#2863;Myers;

SECTION 5(a)(1) OF THE ACT (Cont.)

Employee preference & industry practice rule out	Myers
Employer must attempt to control employee conduct	#5288(RC);5960(RC);7673(RC); 8416(RC);Hanovia;GE I;
Employer failed to inspect for viol. of work rules	#80-2036;
Employment relationship required	#504(RC);
Casual employment	#76-596(RC);
Exposure	#1584;
Factors to consider	#3257;
Must be foreseeable	#1593;76-900(RC);
Hazards	
Abatement of determined by feasibility	#4533(RC);
Awareness of determined by industry practice	#4533(RC);
Must be prevented	#77-3575A;
Must be recognized by indus.	#78-2610;
Recognized, defined	#12600(RC);76-900(RC);
Feasible methods to eliminate must be shown	#9224(RC);15169(RC);76-596(RC); 78-1638;80-2771;80-4099;
Materially reduce hazard only	#76-900(RC);
Fills in gaps in standards	#43;827;80-379;
But not where standards spec. excludes	#78-354;
Finding of fact required in	#82;124(RC-Dis);

SECTION 5(a)(1) OF THE ACT (Cont.)

Flat roof (See ROOF GUARDING)

General duty, discussion of	#10;22(RC);82;84(RC);124(RC); Titanium;
Hazard may require more than industry standard	#76-2690(RC); 80-5399(RC);
Hazard	
Forseeability	#77-1084(RC);
Contra	#77-1796(RC);
Legislative history to define	#79-5762(RC);
Must be recognized	#22(RC);31;130(RC);5288(RC); 5991(RC);7673(RC);13390(RC); 76-450(RC);76-596(RC);77-1084 (RC);78-1710;79-3399;79-4104; 79-4424;79-4612;80-1609;Myers; Georgia Elec.;
By instrumentation	#1264(RC);
Manufacturer's brochure	#80-6182;
Need not occur for violation to exist	Empire;
Storage not a recognized	#80-2273;
Training to protect against	#12212(RC);
Hazard unforseeable, no violation	Bethlehem III;
Contra	#77-1796(RC);
How determined	#9508;
In particular industry required	#22(RC);31(RC);874;995(RC);1008; 1367;1544;1700;12600(RC);
Knowledge	#271(RC);
Absent if engineering study needed to establish	#10646;

SECTION 5(a)(1) OF THE ACT (Cont.)

Knowledge (Cont.)

Actual is enough	#9224(RC);76-752(RC);Vy Lactos;
General is not enough, must be in cited ind.	Magma;
Men running contrary to rules	#7722;
No accident in past several years	#5991(RC);77-1084(RC);
Petroleum industry	#2128;
Same circumstances	#969;
Lack of formal training program doesn't est.	#2541;
Lack of safety instruction	#12964(RC);79-199;79-7042;
Liability Absolute or respondeat superior not imposed	Champlin;
"Likely to cause" Defined	#329;Titanium; #76-2690(RC);77-3133;78-216;
Lowest feasible level criterion	#79-4005;
Lumber	#874;
Machine operation doesn't present	#2004(RC);
May require work practice beyond industry practice	#4533(RC);
More than one in workplace	#69(RC);

SECTION 5(a)(1) OF THE ACT (Cont.)

Multiple citations for Same set of facts	#25;69;465(RC);
Must be source capable of producing accident	#4777;
Must specify what could have been done	#2701;8123(RC);13659;76-1296(RC); Nat. Realty;
Narrow construction not proper	Am. Smelting;
National Fire Protection Agency	#76-6177;77-1084(RC);79-936;
Negligence of employee and bad judgment but not employers neglect of general duty	#2863(RC);Myers;
No actual or foreseeable exposure to hazard est.	#79-227;79-5324;
No evidence re specific standard	#3235;
No way to avoid	#323;
Not known by employer	#89;2863;Titanium;
Not operating in accord with SOP	#2128;
Not proved so by penalty	#4408;
Not strict liability but achievable one	#5960(RC);7792(RC);Nat. Realty;
Not used if specific standard (but see #154)	#161(RC);1018;1036(RC);1046(RC); 1373(RC);2246;2276;3028;3685;4036; 76-406(RC);76-2044(RC); 78-4279(RC); 78-6177;79-6736B;80-4873;Am. Smelting;

SECTION 5(a)(1) OF THE ACT (Cont.)

Not vague	Bethlehem III;
Notice re	#130(RC);
Only if employee exposed	#4140;
Only violation if tried as cited	#394(RC);
Place of employment	
Restricted access area	REA;
Practice could eventuate in serious harm	Titanium;
Prevails if no spec. regulation for hazard	#78-6177;
Proof of	#788;1307;1363;76-3803;
Includes what could be done to avoid citation	#12600(RC);79-1355;
Not necessary to establish noncompliance	Arkansas;
Proximity to power line of boom	#271;
Reasonable man test applies	#79-3374;Bristol;
Recognized hazard (See HAZARD, Recognized)	
Based on advisory industrial standard	#76-5255;78-2862(RC);
Discussed	#8184(RC);76-1296(RC);76-5255(RC); 77-256;79-4603; 80-5399(RC);
Likely	#329;9339(RC);13591(RC);Am. Smelting;Vy Lactos;

SECTION 5(a)(1) OF THE ACT (Cont.)

Requires	
Achievable duty	#8123(RC);Nat. Realty;
Both hazard and knowledge	#124(RC);
Eliminates feasibly preventable hazards	Champlin;
Employees on premises	#1008;
More than mere possibility	#329(RC);
R must have knowledge of unsafe practice	#79-1339;Myers;
Roof (See ROOF GUARDING)	
Safety policy as defense	#82;85(RC);564; 76-2636(RC);77-2096(RC); 79-6558;79-7156;80-151;
Safest protection not required	#78-866;
Safety rule does not establish	#3818;
Safety rule inadequate to fulfill duty	#77-1084;
Saws	#995;
Separate finding for each hazard	#69;
Serious violation	
Accident poss. as affecting	#79-800;
Serious viol. only	#79-162;
SOL must show what R could do	#5288(RC);7673(RC);GE;
Can require more than ind. custom	#1829(RC);

SECTION 5(a)(1) OF THE ACT (Cont.)

Specific testing required	#1264;
Standard not basis for establishing 5(a)(1) violation	#76-2894(RC);78-5956(RC);79-465; 79-5751;79-6604;
Standard not to be created by, on ad hoc basis	#78-2862(RC);79-4005;
Standard doesn't fully cover hazard	#15390(RC);76-596(RC);
Steps Respondent took to enforce safety rules det. violation	#8416(RC);
Steps to avoid citation - SOL must establish	Titanium
Strict liab. not req. - employer not insuror	#82(RC);
Technical testing required	#1264(RC);Am Smelting;
Unforseeable accident not	#77-3515A;
Unpreventable	#5157;78-1638;
Unprotected position on roof as	#77-1568;
Unshored excavation as	#19;
Use of does not make a standard	#1829(RC);
Vagueness of	
Not	#77-256; 78-4945;
Not within purview of RC	#9339(RC);
Violation only if duty capable of achievement	Hanovia Lamp;

SECTION 5(a)(1) OF THE ACT (Cont.)

Violations of	
Airborne substance	
Explosive dust accumulation	#11166;79-2288;
Gas in enclosed space	#31;1290;
Lead	Am. Smelting;
Alleging violation of standard must amend to 5(a)(2)	#680(RC);
Auto. detection device or persons not employed to detect accidental disch. of fuel	#1829(RC);
Backhoe	
In path of hazard	#781;
Riding in bucket	#79-4901;
Building	
Being aloft in during demolition	#5421;
Between floor movement unsafe	#51;
Failure to brace	#154;1363;
Wall without safety devices	#1329;
Bulldozer	
Operated with blade up	#5157;
Riding blade	#9508;
Capacitator terminal, energized and open	#89;

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)

Catwalk	#564;
Cement mixer	#82;
Chemical, flammable, lack of fire protection	#366;
Climbing unguarded ladder	#4845(RC);
Communication to secure help not available	#78-1908;
Condition precedent to finding	#2542;
Control	
Deadman, defective	#26;
Not on grain bin door	#1700;
Lockout	
Adequate	#1815;
Inadequate	#39;
Not used	#82;
Cord (cable), defective splice	#64;
Frayed	#37;
Cotton seed collapse	#515;
Counterweights on oil well pump not secured	#78-1908;
Crane	
Boarding of not	#76-2636(RC);
Boom attachment improperly secured	#13659;80-4398;

SECTION 5(a)(1) OF THE ACT (Cont.)
  Violations of (Cont.)
    Crane (Cont.)
      Cable of defective #15;
      Controls not properly labeled #9339(RC);
      Counterweights, not secured #49;
      Dismantled
        By inexperienced help #49;
        Not blocked during #2576;
      Failure to cut off unattended engine #2648;
      Failure to secure counterweight of #4533(RC);
      Lifting unbalanced load #161;
      Not equipped with loading device #80-4398;
      Objects falling from not #76-406(RC);76-2894(RC);
      Operated in excess of load #3444(RC);
      Operating near elec. line (See Power Line) #9;65;103;116;271;3238;
      Riding box lifted by #3235(RC);
      Swing clearance of #141;3235;
      Window not shatterproof #78-216;
      Working under boom of #10331;
    Downhill side of truck load of logs #874;

SECTION 5(a)(1) OF THE ACT (Cont.)

Violations of (Cont.)

Drainage for flammable tanks	#1829;
Dumptruck driver required to lift load under high tension wires	#78-448;
Electrical interlock device missing on elev. doors	#78-6177;
Electricity	
Allowing to enter body	#44;
Defective plug	#44;
Insuff. clearance, etc.	#1605;
Protective device on elev. by-passed	#78-4423;
Transformer	#329;
Undetermined defect as	#44(RC-Dis.);
Working in damp area	#28;
Working too close to high powered line	#3710;15082(RC);
Elevator operated without safeguards	#13682;76-4745;78-1803(RC); 78-5704;79-4838;
Elevator shaft unguarded	#76-1004;
Employee	
Dangled between ship & dock	#5581;
Entered lethal air without safety device	#1829(RC);

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)
Employee (Cont.)
Inadequately trained and supervised #5562(RC);

Not kept out of area of falling debris #4725(RC);

Not protected against elec. in high power line #10345;

Not protected against working on piping for flammable liquids #76-658;

Not trained #11903;

Permitted to work near power line without protection #13535(RC);

Remaining aloft during demolition of steel power transmission tower #5421;

Riding boom #13390(RC);

Too near moving backhoe bucket #14545;

Unable to control start of machine & guard falling on blade #78-624;

Working w/o direct supervision near high power line #77-3106;

Entering cement mixer w/o locking out #82;

Equipment
Improperly set-up #1367;

Ungrounded #37;

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)

Excessive amounts of grain dust accumulated	#78-6177;
Exits locked	#130;
Exposing employee to confined space incapable of sustaining life	
While attempting rescue of other	
Hazard not forseeable	#465;4447;
Exposing employee to high tension line	#1373;
Exposure to blast furnace charging operation	#5619(RC);
Exposure to elec. shock while moving ungrounded power line	#76-2044;
Failure to	
Adequately brace concrete forms suspended by 1 weld	#77-313(RC);
Block vehicle suspended on hoist	#11286;
Brace or chain unsupported steel	#76-4619(RC);
Check that elec. equip. deenergized	#77-4100;
Collect grain dust	#78-1715;
Deenergize and properly spread a multiconductor aerial conductor	#76-3657;
Deenergize high power elec. lines	#76-1174(RC);76-5007(RC);
Determine scaffold's capacity to support	#78-3155;

SECTION 5(a)(1) OF THE ACT (Cont.)
- Violations of (Cont.)
  - Failure to (Cont.)
    - Enclose stair with fire-resistant shaft #78-2862(RC);
    - Est. procedures to clear employees from power line before energizing #78-4430;
    - Equip. waterwagon with ROPS or seat belt #77-256;
    - Equip. with derrick escape device #80-2984;
    - Follow mfg's instruction in Installing crane #78-854;
    - Follow mfg's instru. in Walking on transit #8184(RC);
    - Follow safety practice in lowering heavy crane load #78-5572;
    - Ground high voltage equipment and protect employees #78-2447;
    - Guard
      - Against dropped pilings #78-866;
      - Against hazard of falling object #12483;76-3660;
      - Against recoil of wire rope #2701;
      - Against being struck by steel moving on roller table #78-1780;
      - Elevator opening #76-1004;77-657;79-4090;
      - Or mark road along excavation #323;
      - Waste bailer #76-5242;

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)
Failure to (Cont.)
Inspect

For pipeline thickness	#10799(RC);76-2777(RC);
For weight carrying capacity of roof	#76-3803;
Install steam pressure relief valves	#77-4204;
Insure no gas in pipeline during maintenance	#76-665;
Insure that crane operator properly trained	#77-2901;
Isolate hot oil line from bleeder value w/o proper handle	Champlin;
Inspect machinery for defects	#78-4879;
Instruct in repair of hazardous mechanism	#77-1383;
Keep machine guard in order	#77-4219;
Lock-out power supply	#11739(RC);
Maintain blast furnace by keeping water out Minor leaks don't establish	#78-553;
Maintain derrick in level position	#77-807;
Maintain proper maintenance program	#78-5820;
Make plans for handling electrical job	#78-2447;

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)
Failure to (Cont.)

Pressure test pressure vessel	Getty;
Prevent	
Concrete object from toppling	#14648;
Exposure to toxic sub.	#14910(RC);
Exposure when slag & $H^{2}O$ mix	Empire;
Properly anchor port. hoist	#79-227;
Properly ground pump	#59;
Protect	
Against deadly gases	#78-2621;Cities Service;
Against electrical shock	#78-4655;
Employees by liftgate when bridge closed	#78-1780:
Employee in elevator pit	#76-909;
Employees while testing machine under high air pressure	#12879;
Employees working more than than 10' above ground	#78-3775;79-4979;
From concrete falling from ceiling area	#79-685;
Provide	
Automatic controls to prevent RR car movement	#77-1016;

SECTION 5(a)(1) OF THE ACT (Cont.)
  Violations of (Cont.)
    Failure to (Cont.)
      Provide (Cont.)

Control for employee riding unattended forklift	#124;2565(RC);
Derail blocks to prevent locomotives from colliding	#5960(RC);
Disconnect switches on panel boxes	#80-4345;
Dust collectors in grain elevators	#78-1991;
Dust-tight and waterproof grain covers	#78-1938;
Elec. safeguards	#38;1605;
Explosion relief venting	#78-2862(RC);
Fire detection device to release life rafts etc.	#10646;
Fire evac. from top of offshore oil platform	#10646;
Foreign matter extractor in grain elev.	#78-2862(RC);
Guardrails for employees on flat roof	#79-5605;Schriber;
Guardrails for employees on metal box	#79-6383;
Head protection over entrance	#76-3114;
Inspection program	#79-1544;

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)
Failure to (Cont.)
Provide (Cont.)

Lockout means	#77-4100;
Net when belt not feas. on overhead crane	#78-1780;
Proper training handling dangerous chemical	#78-1269;
Protection against falling through deteriorating roof	#78-687;
Protection against overexposure to phosgene gas	#76-5197;78-4246;
Railings	#69;1036;
Rollover protection	#76-1168;76-3166;
Seats for passengers in truck	#7227;
Stand-by for outside door to hazardous area	#78-501;
Strong enough floor (corrugated sheet roof between steel girders)	#78-2544;
Tire cage	#77-734;79-4754;
Traffic controls on road under repair	#78-3229;
Safe loading area for forklift	#510(RC);

Remove employees from area of potential exposure	#5740(RC);

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)
Failure to (Cont.)

Remove explosive dust	#78-4945;
Remove hot bearing	#78-2862(RC);
Remove natural gas from oil well	#16096(RC);
Remove old steel subject to cracking	#77-807;
Require prot. equip. in motorized veh. subj. to rollover	#15167(RC);
Safeguard against bricks from above during kiln relining	#4725(RC);
Safeguard against explosive atmosphere when removing & inserting valves in gas lines	#78-620;
Secure	
Open end of mud fill line on oil derrick	#77-1520;
Working surface	#3863;
Supervise the use of window cleaning equip. & devices to insure safe workplace (Pron. cross-over)	#78-625;
Test	#77-1850;Getty;
Atmosphere in confined space prior to entry	#78-3748;
Excess flow valves	#78-3616;
For CO^2	#78-501;
Space between pipe casing prior to using torch	#11870;

SECTION 5(a)(1) OF THE ACT (Cont.)

- Violations of (Cont.)
  - Failure to (Cont.)
    - Timely replace conveyor rollers #78-1715;
    - Train and supervise
      - Handling dangerous chemicals #13720(RC);
      - In hazards of confined space #77-467;
      - Safe operation & maintenance of payloader #76-2643(RC);
    - Turn elev. off at main service & lockout while working in shaft #79-3392;
    - Use sound materials to make platform #78-3958;
    - Use tied off safety belt #78-3468;
    - Ventilate gaseous solution #2276;
    - Warn employee of hazard associated with emergency release device #5991;
    - Wear safety belt on high derrick #5991(RC);
  - Fall of 25' as #77-1568;
  - Fall protection not provided maint. men against 6-1/2' fall #78-4459;
  - Falling objects not #79-3153(RC);
  - Forklift
    - Riding of, no safety platform #124;
  - Gap between elec. platform and floor #2260;

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)

Gases	#31;2276;2279;79-3222;
Generator, elec. too close to	#329;
Geronimo line missing	#79-160;
Grain dust	
All precautions to reduce not taken	#78-2866;79-2509;
Discussed	#79-4549;
Grain elev. w/o malfunction detector to elim. exp.	#78-6177;
Gridwork floor opening not prot.	Ringland-Johnson;
Hazardous unloading of freight	#78-4574;
Hazardous unloading of paper rolls	#77-3133;
Heater lacked safety devices	#2128;
High pressure water lines not supplied with proper valves	#78-2525;
Hoist brake operated improperly	#79-465;
Hoist not op. in acc. with rules	#76-1796;
Hot work performed in ballast tank before competent person inspected	#78-3054;
Improperly attached boom to front end loader	#13659;

SECTION 5(a)(1) OF THE ACT (Cont.)

Violations of (Cont.)

Improper maint. of slag rings on buckets	#77-3402;
Improper operation of hoist charging blast furnace	#78-216;
Improper plates between dock & truck for powered equip.	#79-1431;
Improperly positioning a hydraulic ram tension device	#1367;
Improper positioning of ladder to enter slag ladle	#77-3402;
Improper unloading method for coke car	#78-216;
Improper use of "preform" on elec. line	Myers;
Inadequate safe procedures for lighting furnace	#2128(RC);
Inadequate training of "crane hookers"	#79-464;
Ingoing nip points unguarded	#78-1715;
Injury from lifting	#2541;
Inst. not issued prohibiting use of dispensing equip. in fall area	#79-1214;
Insufficient emergency exits	#4078;78-4960;
Lack of protection against CO^2	#78-501;
Lack of static spark protection	#3818;

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)

Lifeline	#2246;
Lifting gear on ship, improper use of	#1483;
Lifting hook, inadequate for weight	#75;77;
Liquid in area of molten steel pour	#77-3575A(RC);
Load	
Binder removed prematurely	#1267;
Exceeding design load of roof truss	#44;77-4130;
Not properly secured	#22;
Loader, riding of	#80-7081;Nat. Realty;
Loading Traxcavator onto truck w/o blocking truck wheels	#12964(RC);
Lock-out protection not provided	#77-4236;
Locomotive had inoperable deadman's controls, etc.	#78-2902;
Log landing area is dangerous	#1323(RC);
Lumber skidding w/o felling rotted trees	#15241;
Magnet for picking up foreign objects absent in grain elevator	#78-6177;
Manhole, gas	#100;1264;

SECTION 5(a)(1) OF THE ACT (Cont.)

Violations of (Cont.)

Masonry walls had not reached design strength, unbraced	#77-4130;
Metal ladder in vicinity of elec. line	#83;
Motor, idling of	#2648(RC);
No audible alarm on drilling platform	#15405(RC);
No blowout valve on job	#15405(RC);
No emergency lifeline in crane cab	#78-1434;
No fall protection	#77-3031;
No lock out procedure for power source of machine	#77-3951;
No safe access to employees riding carpet pole on lift truck	#10560;
No violation where injury due to employee's own negligence	#78-2627;
Open bottom slag pot - use of	#5110;
Operating overloaded freight elevator	#76-72;
Operating tractor w/o ROPS on 95' slope	#78-5637;
Operation of control lever reversed is	#9339(RC);
Operation of crane in winds exceeding safe operating conditions	Bethlehem III;

SECTION 5(a)(1) OF THE ACT (Cont.)

Violations of (Cont.)

Operation of elev. w/gate tied open & interlock disconnected	#79-1176;
Operation of lathe with cracked jaws	#11344(RC);
Operation of pot carrier w/obstructed vision	#78-5952;
Operation of press while standing on unsteady platform	#78-1434;
Operator did not remain at control of catline	#76-2945;
Overhead conveyor not guarded to protect against drop load	#76-72;
Overhead rails not adequately supported	#77-3622;
Overloading wood trusses	#44;77-4130;
Perimeter guard	#1036;78-3224;
Permitted improperly trained stockers to use wire rope slings	#77-2876;
Permitting employee to enter confined space w/o proper safety precaution	#465;80-3589;
Permitting derrick to lift in excess of its safe load	#3444(RC);
Permitting operation of crane with loadline lever reversed	Georgia;
Permitting truck to operate at excessive speed in garage	#78-4911;

SECTION 5(a)(1) OF THE ACT (Cont.)

Violations of (Cont.)

Permitting use of defective hook latch	#10514;
Permitting work under crane load	#78-4698;
Petroleum prod., improper sup. of	#1008;
Plug, elec., defective	#44;
Point of operation guarding	#1716;
Poison gas as	#2276;
Poor working conditions at slag heap	#8689;
Positioning truck in hazardous position	#78-5623;
Powerline (See Crane, Operating near)	
Crane too near	#9;65;103;116;271;3238;15082(RC);
Ladder too near	#83;
Scaffold too near	#4298;80-520;
Pressure vessel being made operational w/o proper test	#2671;
Pulling in load w/o protection in highrise under construction	#2156;
Requiring employees to lift too heavy loads	#2541(RC);
Resistance welding while standing in water	#78-1595;

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)

Riding	
Forklift	#77-3622;80-6182;
Front end loader, backhoe	#4058;4491;79-4361;
Lift box	#3235;4792;
Loose stack of lumber on fork lift	#2270(RC);
Standing up in back of truck	#7227(RC);7673(RC);
Traveling block of oil rig elev.	#76-2337(RC);77-1858;H-30;
Unprotected "skid"	#13615;
Roof protection against falling	#1036;2246;77-3856;
Roof trussess, erection of	#969;
Safe loading area	#130;
Safeguard lacking in oxygen interconnect system	Magma;
Safety belt and lifeline	#25;41;47;564;
Safety training etc. did not meet industry standards	#10277;
Safety precautions, failure to take while manually unloading tires	#76-1791;
Sanding magnesium producing excess sparks	#12600(RC);

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)
Scaffold (See Unguarded)

Erectors exposed to falling debris	#79-800;
Hazardous	#3028(RC);
Hazardous movement between	#1046;
Improperly supported	#55;
Unsafe connection between two	#2052;
Scrap metal breakup hazardous	#78-216;
Shear pedal mechanism unguarded not recognized	#77-705;
Spark arrestor missing from engine in grain facility	#78-1715;
Spark producer tools used in explosive atmosphere	#78-1715;79-2510;
Storage, high unprotected against fall	#515;
Straddle carrier visibility not	#79-746(RC);
Supervision, improper	#22(RC);
Suspended in backhoe bucket	#3025;
Swing area of backhoe not barricaded	#78-1080;
Swing area of crane not barricaded	#3235(RC);
Tailgate, hydraulic, up for maint. and not locked	#98;

SECTION 5(a)(1) OF THE ACT (Cont.)

Violations of (Cont.)

Titanium dust as	Titanium;
Trainee permitted to operate defective tractor	#76-85;
Transporting 2 steel beams at once using different slings	#78-2723;
Trench	
Box	#80-1109;
Near recently erected free standing wall	#5288;
Not marked at edge to prevent fall-in	#323;
Not shored	#11;16;19;33;74;
Tripping hazard	#77-3221;
Truck mounted auger not grounded	#76-2413;
Trusees, unbraced	#969;
Under the load	#323;
Unguarded machine	#3;38;58;
Unguarded opening	#60;119;394;471;680;
Unguarded open side of roof	#76-2690(RC);
Unguarded scaffold	#25;

SECTION 5(a)(1) OF THE ACT (Cont.)

Violations (Cont.)

Unguarded steam pressure during maint.	#959;
Unguyed drilling rig	#13111;
Unloading shifted cargo	#5103;
Unmanned receipt of gasoline	#1008;
Unsafe method of transporting wire coils	#78-5170;
Unsafe platform suspended from crane	#77-2876;
Unsafe procedure to uncoupling RR car	#7722;
Unsafe roof hoist	#6526;
Unsafe use of front end loader	#78-2192;
Unsafe walking and working surface on metal screen	#9224(RC);
Unsafe walking near hot metal	#77-3998;
Unsafe working surface on metal screen	#9224(RC);
Unsupported block over doorway	#3287;
Use permitted, of product, for which it wasn't designed	Myers;
Using derrick with defective material in supports	#77-807;
Using elev. while maint. work going on	#77-2130;

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)

Using a tagout system rather than lockout	#77-1797;
Ventilate enclosed workspace	#1264;
Ventilate for hazardous gas	#2276;
Visual contact w/hoist op. while moving elevated load	#78-6253;
Walk on explosive surface w/o prot. shoes	#3818;
Wall	
Brace	#1363;
Cinder block, unshored	#154;370;5288;78-2033;Ashworth;
Construction of	#154;1329;
Hole in w/o lintel	#3287;
Removal of support for free standing	Gen. Dynamics;
Water & damp sand under iron melting cupulo	#14466;
Water in furnace pit area	#79-1728;79-2600(RC);
Water leaking into cupulo	#77-3622;
Welding in dangerous position	#77-4236;
Whalers	#76-1296(RC);

SECTION 5(a)(1) OF THE ACT (Cont.)
Violations of (Cont.)

Willful discussed	#78-4945;80-7081;
Working at edge of flat roof w/o protection	#77-4139;
Working at edge of floating vessel w/o life jacket	#8416(RC);
Working high up w/o safety belt	#8123;
Working in confined space in hazardous atmosphere	#76-134;
Working in grant silo w/o safety equip,	#2676;
Working near "lodged" tree	#77-1646;
Working next to an unguarded open hatch	#15792;
Working on elevated surface w/o fall prot.	#78-2610;
Working on machine not secured to prevent falling	#7174;
Working on oil derrick at height w/o safety belt	#8123;
Working on shelving not secured against displacement	#12213;
Working on stacked lumber without fall protection	#76-3159;
Working on window ledge w/o safety device	#11552;

SECTION 5(a)(1) OF THE ACT (Cont.)	
Violations (Cont.)	
Working out of elevated bucket of front end loader	#76-4538;
Working too close to high powered line	#2283(RC);3710;
Working unprotected on open sided roof	#77-1568;
Working unprotected on top of graphite electrodes	#7368;
Warning ignored not forseeable	#874;
What is	#10(RC);25;74(RC-Dis);1671;1700; 1716;3025;
Reasonable person recognizes	Ryder;
SECTION 5(a)(2) OF THE ACT (654(a)(2))	
Proof not as stringent as 5(a)(1)	#1531;
Proof required	#76-181(RC);
Recognized hazard not a factor	#3635(RC);
SECTION 5(b) OF THE ACT (654(b))	#258;624;
SECTION 6(a) OF THE ACT (655(a))	#76-5162(RC);78-5577(RC);
Presumption that standard validly promulgated	#4704;
SOL may modify concensus standard in promulgating	#4704;12470(RC);79-4478(RC);
Contra	#77-4333(RC);Kennecott;
SOL's duties not ministerial	#827;
Standards derived from advisory standard	#79-2938(RC);

SECTION 6(b)(5) OF THE ACT (655(b)(5)) Cost of abatement is a factor in all standards	Am.Pet.Inst.;
SECTION 6(b)(7) OF THE ACT	#80-1841;
SECTION 6(b)(8) OF THE ACT (655(b)(8))	#1324;
SECTION 6(d) OF THE ACT (655(d))	#77-617(RC);
SECTION 6(f) OF THE ACT (655(f))	#1410;3367(RC);78-1443(RC);78-5577(RC);79-4478(RC);
SECTION 8(a) OF THE ACT (657(a)) (See Inspection)	#477;509;744;824(RC);920;1012;1228;1321;1448;1453;4058;5619(RC);6052;77-1713;77-3773;79-1325;
Active violation may be checked prior to presenting credentials	#2888;4058;
Complied with if credentials presented to gen.	#6902;78-4989(RC);
Credentials presented after seeing violation	Hartwell;
Credentials presented to guards	#14080(RC);
Equates to 4th Amendment right	#76-3241(RC);
Failure to follow not defective	#5324;
Must make a reasonable eff. to present	#4078;
Preinspection activities in substantial compliance with Act's purpose	#477(RC);3821(RC);4058;
Reasonableness required Evid. must be taken re	#77-3170(RC);

SECTION 8(a) OF THE ACT (657(a)) (Cont.)	
Satisfied if cred. pres. to some employers, although not one cited	#6902;
Satisfied if inspection approved by one who had the authority	#1087(RC);80-3592; 80-4971(RC);
"Within reasonable limits" includes harrassment	#78-235(RC);
SECTION 8(c) OF THE ACT (657(c))	#801(RC);4616(RC);
Directory	#8096(RC);
SECTION 8(c)(2) OF THE ACT (657(c)(2))	#76-5033(RC);
Satisfied by following former procedures	#1015(RC);
SECTION 8(d) OF THE ACT (657(d))	#191;1348;
SECTION 8(e) OF THE ACT (657(e)) (See Walkaround - Chicago Bridge - Hartwell - Accu-Namics)	#117;224;477(RC);509;681;6902; 9726;78-5492;
Exposure during doesn't est. viol.	#13832(RC);
Failure to afford must prejudice R	#5572(RC);76-3241(RC);
Failure to substantially comply Prejudice not a factor	#5324(RC);76-1104(RC);76-1739(RC);
Foreman as rep.	#76-4082(RC);
Prejudice required to suppress evid. received in viol. of	#76-4173(RC);Western;
Procedural rule	#1087(RC);3290(RC);Chicago Bridge;
Ship boss as R's representative	#3821(RC);
Substantial compliance with required	#1087(RC);76-4173(RC);C, F & I;

SECTION 8(e) OF THE ACT (657(d)) (Cont.)	
Violation observed before	Hartwell;Hoffman;
SECTION 8(f)(1) OF THE ACT (657(f)(1))	#130;510(RC);2128(RC);3028; 77-3229;77-3338;77-3773;
Inspection based on non-employee complaint valid	#829(RC);
Not jurisdictional	#5520;
Substantial compliance with will satisfy	#14265;76-4636(RC);
SECTION 9(a) OF THE ACT (658(a)) (See CITATION, particularity)	#285;606(RC);764;1037;1321;2128; 2200(RC);3028;3035;3905;5521; 11764(RC);76-2760(RC);76-4507(RC); 78-1455; 79-2380(RC);
Definition of "Believes"	#78-5751;
Does not violate due process clause	Mohawk;
Does particularity requirement restrict amendment	#3035;
Lack of particularity may be cured at any stage of proceedings	#11865(RC);
Where R knows of violation citation may be less specific	#13067(RC);10639(RC);
SECTION 9(c) OF THE ACT (658(c))(6 mo. limit)	#103;118;678;810;1796;3035;3393; 77-1003;78-5984(RC);Gen. Elec.;
Amendment timely since it relates back	#78-3398(RC);
Not factor where amendment offered to timely citation	#4773(RC);
Proscribes issuance not amendment of citation	#78-2923(RC);
Six mos. begins when SOL learns of unreported fatality due to viol.	#15958(RC);

SECTION 9(c) OF THE ACT (658(c))(6 mo. limit) (Cont.)	
Statute of limitations	#76-1924(RC);77-4350;
SECTION 10(a) OF THE ACT (659(a))	#1305(RC);1342(RC);2309;2446; 76-2165(RC);78-4725(RC);79-2041; 80-1345(RC);80-1920(RC);80-2281; 80-3848(RC);80-4873;80-6575;(RC) 80-6988;
Does not violate due process clause of const.	Mohawk;
SECTION 10(b) OF THE ACT	#78-2696(RC);
Citation under cannot be amended to one under 9(b)	#76-776;
SECTION 10(c) OF THE ACT (659(c))	#1104;1210-P(RC);3632;12831(RC); 76-431(RC);76-4761(RC);79-454(RC); 81-1251P;Atlantic & Gulf;
Employees may not object to withdrawal	#10340(RC);
Only applied against employer	Atlantic & Gulf;
RC will consider abatement extension	Otinger;
SECTION 11(a) OF THE ACT (660(a))	
Adversely effected	
What is	#762;Chicago Bridge & Iron Co.;
Extraordinary circumstances defined	Keystone;
SECTION 11(c) OF THE ACT (660(c))	#5873(RC);
SECTION 12(g) OF THE ACT	#79-2261(RC);
SECTION 12(i) OF THE ACT	
Requires 2 members to agree	Shaw;Cox;Willamette;
SECTION 12(j) OF THE ACT (661(i))	#2309;3550;76-2802(RC);79-3136(RC);
"Final" interpretation	
RC can revise until CA takes jurisdiction	#15074(RC);
SECTION 15 OF THE ACT (664)	#77-648(RC);

SECTION 17(a) OF THE ACT (666(a))	#4671(RC);77-387; Bethlehem;Nat. Steel;
SECTION 17(b) OF THE ACT (666(b))	
Penalty required	#1315(RC);
SECTION 17(j) OF THE ACT (666(j))	#2091;80-3808S;
Evidence re must be offered	#837(RC);
Minimum penalty required is contrary to	#2535;
SECTION 17(k) OF THE ACT (666(k))	#5(RC);237;258;319;401;403(RC); 714;1126;4514;76-910(RC);77-3041 (RC);78-29(RC);Calif. Stevedore;
Could v. would	Hermitage;
SECTION 18(e) OF THE ACT(667)(e)	#76-1201(RC);76-5344(RC);78-2696(RC);
SECTION 28 OF THE ACT	#191;
SELF-INCRIMINATION	#803;1968;
SERIOUS VIOLATION (See VIOLATION, Serious)	
SERVICE OF NOTICE (See NOTICE)	
Agent of R	#1342;
Who knows who should get it	#76-2165(RC);
By mail	#1324;3508(RC);
Affords due process	#10888(RC);
Regular mail no substitute for certified	#4309(RC);76-2165(RC);
To address furnished but R fails to receive	#10888(RC);77-2720(RC);
Employees entitled to	#78-2485(RC);78-4725(RC);

SERVICE OF NOTICE (Cont.)

Improper as defense	
Must be raised before pleading	#14448;
Of citation refused	#6349;
Of contest of employees	
Not satisified by posting complaint	#458;
Of motion to withdraw	
Failure to	#553;828;971;5898(RC);
Cured in order	#551;
Dismissed unless R cert. service	#971;
Of petition to extend abatement period	#947;
Of settlement agreement	
Must serve employee rep	#2922(RC);6087;
Before submitted for approval	#77-3817P(RC);
Of stipulation	
Must be made on union	#4323(RC);
On attorney if of record	#699;
On foreman at jobsite	Buckley;
Rejected in part	#76-2165(RC);
On joint venture	#79-2270;
On member adequate if joint venture named	Bloomfield;
On President who is absent	#12699(RC);76-4316;
On represented employees	
Must be served	#551;647;4502(RC);4588(RC);
Posting adequate where no employee party status	#1902(RC);4651(RC);5009;7246; 8932(RC);13195;

SERVICE OF NOTICE (Cont.)	
Where not required on union	#2979(RC);
Worksite supt., not R's employee	#1342(RC);
SETTLEMENT	
Abatement date not specific	#78-2146;
Accepted if not repugnant to purpose of Act	#370(RC);78-1155(RC);
Alternative funding	#78-1485(RC);
Approval by judge selective	#78-4449(RC);
Citation withdrawn	#77-1091(RC);
Consistent with purposes of Act RC will determine	#76-3749(RC);78-867(RC); 78-1708(RC);78-2146(RC); 78-4449(RC);79-2895;79-2992; 79-5329(RC);
Contingent on RC adopting ALJ ruling on motion	#79-132;
Cost allocation	#76-3621;
Discussion	#78-2600(RC);
Employees	
Entitled to 10 days notice even if done at hearing	#76-2293(RC);
Meaningful participation	#78-127(RC);
Objection to concern with future	#80-5001;
Generally	#76-3749(RC);

SETTLEMENT (Cont.)	
Employees (Cont.)	
Objection to (Cont.)	
Limited to abatement date	#77-4109;81-626;
Settlement where object to reductions	#78-3488;
Findings of fact not required	#76-967(RC);
Exculpatory language in (See EXCULPATORY)	#77-3769(RC);78-452(RC);78-1308;78-4449(RC);79-929(RC);79-2261(RC);79-5772P(RC);
May encompass more plants than originally inspected	#8182(RC);
Meaningful participation	#78-2600(RC);
Oral	Empire;
Not binding	#77-1091(RC);
Party status	
Union with must participate in resolution	#77-3915(RC);
Penalties	
RC will accept absent objection	#7021;370(RC);
Posting of	#8629(RC);79-6485(RC);
Affected employees not represented	#79-5557(RC);
As sufficient notice	#77-3769(RC);
Proof of service	#79-5449(RC);
Propriety of	
RC may rule on	#76-3749(RC);
Public interest consideration	#7021;

SETTLEMENT (Cont.)

RC's authority to review	#80-2793(RC);81-347;
RC cannot vary terms of	#78-4535(RC);79-5772P(RC);
RC has no expressed authority to force parties to agree to comply with standard in specified way	#2975(RC);
RC lacks authority to vary where violation already final	#77-520(RC);
Service on employees required	#77-4174(RC);78-452(RC); 78-1764(RC);78-2485(RC); 79-929(RC);79-5557(RC);
Ambigious certification	#78-4449(RC);
Even if accomplished at hearing	#76-2293(RC);
Service on employee rep. required	#78-446(RC);79-5557(RC);
SOL may even after dec. final	Madden;
Stipulated	
Abatement must be specified	#76-3605(RC);
Abatement not certified	#78-3605(RC);
Since NOC tolled SOL cannot req.	#2967;
Citation may be dismissed	#1364;
Consistent with Act	#3;2017;2354;
Does not admit violation	#756;798;
Employees entitled to 10 days notice even if presented at hearing	#76-2293(RC);

SETTLEMENT (Cont.)
Stipulated (Cont.)

Exculpatory language	
Employee objection	#6283;79-2261(RC);
Issues not contested	#13693;
Judge cannot depart from	#5543(RC);78-4449(RC);
Language re future comp. not included	#2967;
Must serve agreement on employee rep. Or post	#2922(RC):3420(RC);4958(RC); #4258;4323(RC);
Only RC can approve if NOC	#76-2293(RC);
Rejected by Judge	#76-1056;
Union must agree or go to trial	#6087(RC);
Trial counsel can't bind party	Empire;
Union	
Cannot object to method of abatement	#2786(RC);2975(RC);76-3748;
Must be given adequate notice	#77-3817(RC);
Must agree to stipulation or go to trial	#6087(RC);
Objection to exculpatory language	#78-3257;
Objection to penalty reduction	#79-2362;
Participation in	#6087(RC);76-3749(RC);76-4572(RC); 77-3752(RC);79-1905;79-5372; 81-626;

SETTLEMENT (Cont.)	
Vitiates need to respond to Show Cause Order	#80-2234;
Withdrawal by both parties	#1853;
Where SOL will not proceed, employee may not	#6661(RC):
SHIPBUILDING	
What is	#3235; 14818(RC);
SIMPLIFIED PROCEEDINGS	#80-1509S;80-1987S;80-2261S; 80-2584S;80-2809S;80-3545S 80-3808S;80-4309S;80-4822S; 80-5006S;80-5271S;80-5575S; 80-7140S;80-7276S;81-346S;81-954S; 81-1366S(RC);
SITE CLEARING	
Grading is not	#967(RC);
SIZE OF BUSINESS (See under Penalty)	
Equated with ability to pay	#11048;
Factor in penalty	#4;
Small	#98;
$100,000 as	#3097(RC);
$2,500,000 as	#1715(RC);
Average	
$7M gross	#6790(RC);
Gross business and total employees	#119;3035;3271;
Over 1.8 million	#2431;
Under 1/2 million	#7292;
Not established on record	
No credit for	#1886;

SIZE OF BUSINESS (Cont.)	
Number of employees valid index to det	#93;119(RC);15538(RC);
183 employees large	#8454(RC);
Official notice of fact R is large	#38;
Small	
$100,000 to $1,000,000 annual gross	#78-3979;
SLOPING TRENCH WALLS	
Not measured	#9990;76-910(RC);
SOIL	
"Average"	#76-2802(RC);78-3337;79-2471;
Condition of	#80-1880;
Est. by lay testimony	#13008;
Geologist not required to est.	#3543(RC);
Not determined by feeling the soil or eyeballing it	#13488;
Scientific testing not required	#16029(RC);
Peorian loess	
Unstable (See)	#3197;
Pumpy	#78-2528(RC);
Sample taken long after inspection	#15414(RC);
Soft	
Clay is	#78-4133;
Soft or unstable	#2060;76-2802(RC);80-2571;
Means same as "danger from moving ground"	#15094(RC);76-1228(RC);79-234(RC);

SOIL (Cont.)	
Predominantly sandy soils are	#16029(RC);80-7175S;
Test reliability	#76-1228(RC);
SOLICITOR OF LABOR	
Int. of standard entitled to certain deference	Calif. Stevedore;
Only one who can enforce Act	#10340(RC);
SPEED	
Estimation of	#10127;
STANDARD OF CARE	
Higher than inadequate industry standard	#15565(RC);
STANDARDS	
Adoption	#1105;2818;4253;10757(RC);
Improper alleged by R	#10757(RC);76-3961;
Longshoremen's and Harbour Workers' Comp. Act	#14818(RC);
Private advisory standards	#78-4482;78-5289;
Under 655(b)	
Cannot vary requirement of source	Diebold
Walsh Healey Act	#76-5162(RC);
With substantial alteration	#77-4333(RC);78-2862(RC);
Advisory	#12715(RC);76-406(RC);76-2894(RC); 76-2938;78-2862(RC);
Not basis for violation	#80-927;
All apply to each worksite	#5008;
Ambiguity in resolved to elim. hazard to which addressed	#76-1513(RC);

STANDARDS (Cont.)	
Advisory (Cont.)	
Ambiguous	#676(RC-Dis);680;1045;
Amendment of	
Not by DOL bulletin	#3162;
Not retroactive	#3230;3233;
Only after rulemaking	#2931(RC);
American Conf. of Gov. Indus. Hygienist	#11756(RC);77-2846(RC);
Ancestor	#79-4478(RC); 12525(RC);13401(RC); 13874(RC);15690(RC);76-181(RC); 76-891(RC);
ANSI	
Advisory only	#78-797;
May be adopted with substantive changes	#2973;
Contra	Pittsburgh;
May be adopted without headnote	#3367(RC);
Unadopted sections not applicable	#16188(RC);77-3432;
Applicability of may be raised anytime	#3982;11344(RC);80-5810;
Appropriateness of for SOL	#76-1410(RC);
Attacked before Review Commission	#1191;1410;
Availability	
Search for must include OSHA	#14886(RC);
Avoids dependence on human conduct	#78-1600;

STANDARDS (Cont.)

Broad terms of	
Burden on SOL to identify assignment measures	#80-2087;
Doesn't make vague	#12208;
Must look to ind. practice & experience	#12686(RC);
Interpretation of	#1541(RC);
Cannot cover every conceivable situation	B&B;
Changed from ANSI	#1572;
Advisory to mandatory	Pittsburgh;
Citing of	
Must be with particularity	#1763;
Obvious section but typo error	#1113;1228;
Clear language relied on	#211(RC);
Clear changes to	
How accomplished sub. to publication	#2885(RC);
Clumsiness in drafting doesn't negate	Irvington Moore;
Collateral attack not permitted	#326;410;498;700;1009;1531;2218;
Compliance partial	#76-4114(RC);
Compliance with may require adequate training	#12600(RC);
Conflict between private and OSHA	#6988;
Constitutionality of	#345;1863;
Test is whether reasonable prudent man familiar with industry would have protected	Cape & Vineyard;

STANDARDS (Cont.)	
Constitutionality of (Cont.)	
Where penalty for conduct unacceptable in light of common understanding and exp.	Cape & Vineyard;
Construction industry (See CONSTRUCTION STANDARD and CONSTRUCTION WORK)	
Apply to demolition firm	Cape & Vineyard;
Apply to oil & gas drilling	#15631(RC);
Contra	#76-4149;76-4668;
Drilling industry not covered by	#77-3803;
Not app. to const. eng. firm	#1038;1689;
Oil and gas drilling	#76-2131;76-2945;76-4297;77-805 (RC);
Validly adopted	#5303(RC);Nat.Roofing;
Wire splicing not under	#76-186;
Construction of (See Interpretation, this heading)	
To protect employees	#117;345(RC);507;525;680;687; 700;793;922;945;1113;1225;1299; 1399;1863;4291;4445;4766;6286; GAF;
Must give adequate warning	#78-3568;
Not to render superfluous or ineffective	#76-2120(RC);
Control of potential hazard	#13591(RC);
Definition of words in	
Based on facts applicable to	#76-4636;

STANDARDS (Cont.)

Difficult to comply	
Not factor	#3304;16062(RC);
Difficult to interpret	#85;680;700;1060;1221;
Disregard of gives rise to substantial prob. that serious harm could result	#39;
Does not meet Sec. 3(8) of the Act	#793(RC);
Does not meet Sec. 3(9) of the Act	#1572;
Effect of incorporating ANSI	#12176;
Effective date of	#306;657;827;1307;2081;
Environmental Impact Statement	
Not issue for Review Commission	#3449;
Erroneous	
Corrected by stipulation	#378;
Established Federal	
Term of Act	#1307(RC);
What are	#563(RC);
Exception to	
R must prove	#4415(RC);13155(RC);14536(RC);
Exemption for certain const. contracts (See Effective Date)	
Exemption from	
Burden of proving on party claiming	#14536(RC);
Examples of not restrictive	#3544;

STANDARDS (Cont.)

"Exposure to a hazardous condition" too general in standard	#5320;
Failure to furnish copy of to R	Savini;
Fall protection discussed	#4537(RC); 77-1545(RC);
Fed. R.R. Act	#78-5805(RC);
Force of law	#1399;6287;Florida Peach Growers;
When properly promulgated	#7683;
General industry	
Applicability to shipbuilding	#4503(RC);
General provisions of cannot be substituted for 5(a)(1)	#923;
Guard does not have to make safer	#3041;
Hazard protected by does not have to be proved	#1105(RC);14291(RC);79-2220;
Heading of not controlling	#13750(RC);
Headnote	
Explanatory and not part of	#3367(RC);
Integral part of	#2920;
Impossibility of compliance	#239(RC);295;703;2043;
Impractical to use	#117;295;1492;
Imprecise doesn't make vague	Ryder Truck;
Inadequate notice	#79-310(RC);

STANDARDS (Cont.)

Include other by reference	
Reasonable availability may be rebutted	#5225(RC);
Incorporation by reference OK	#5225(RC);14886(RC);
Inconsistency in	#10923;76-4558;
Incorporation by reference	#5225(RC);79-3163;
Presume done in accord. with APA	#15538(RC);
Incorrect ANSI standard	#1883;
Incorrect citation of	#1113;1166;1284;
Interpretation by Review Commission	#295;
Indefinite	
R doesn't object	#1883;
Industry custom & experience	B&B;
Initial promulgation of	#2920;
Interim	
Not well known in industry	Diebold;
Promulgation of	#563(RC-Dis);
Interpretation	#1263;1906;12470(RC);78-449(RC); 79-4478(RC);Diamond; Bethlehem #2;
By ANSI Comm. ent. to careful consider but not controlling	#9968(RC);
By employer	
Should not have to guess	Kent;
CO's carries no weight	#13955(RC);

STANDARDS (Cont.)
Interpretation (Cont.)

Construed liberally to effectuate purpose of Act	Anaconda (note 6);
Construed as not containing meaningless or superfluous words	#3635(RC);
Economic reality prevails over technical concepts	#14096;
Ejusdem generis	#16188(RC);
Effectuate purpose of Act	#12523(RC);76-256(RC);
Express mention implies exclusion of unmentioned	#1916(RC);
Force & effect of statute	#78-1353;
Must be reasonable and consistent with purpose	#76-3100;76-5197;78-1877; Gerosa;Langer;GE;
By CO not controlling	#4291;4306;
Overlapping violations	#76-4765(RC);
Plain meaning prevails	
Over what SOL meant	#16188(RC);78-139;Bethlehem #2; Kent;Anaconda;
Review Commission	
Administrative	#80-4193S;
Entitled to great deference	RMI;
Will not stretch to cover unplanned situation	#76-2326(RC);
Will prevail over SOL	Fiegen;

STANDARDS (Cont.)
Interpretation (Cont.)

Rules applicable to	#10825(RC);
SOL's	
And RC at odds	Anaconda;
Entitled to great weight	Southern Colo.;Southern Contractors Ser.;Pike;
But not if frustrates congressional policy	Kent;
Controlling unless plainly erroneous	GAF;
Followed by R	#72;1531;
Labor Dept. not estopped by	#4845(RC);
Private matter	#4845(RC);
May refer to NFRA	#79-1575;
May not amend standard	#77-616;
Of adopted not entitled to weight of rule made	Pittsburgh;Anaconda;
Telegram re	#4809(RC);
Severability	#77-3358;
Strained not required	#76-3961;
Verbatim not required	#12470(RC);
Warning of what employer must do is required	#78-3568;
Where intent is clear	#4892(RC);

STANDARDS (Cont.)
  Interpretation (Cont.)
    With reasonableness #5613;

  Invalid promulgation #1105;1572;5625;6742;

  Judge may not substitute his policy judgment for SOL #983;1863;

  Judge may not question wisdom of #2739(RC);

  Judicial review of Arkansas;

  Language and intent control #364(RC);

  Liberally construed #687;
    In favor of employees Irvington Moore;

  Local custom does not change #77-3773;

  Mandatory takes precedence over advisory #78-1907;

  Maritime standards #77-1807(RC);

  Matter included by reference need not be published #782(RC);

  More than one applies
    More specific prevails #3769;

  Most require compliance when certain conditions exist #76-93(RC);

  Must apply to industry involved #3235(RC);

  Must be clear Diamond;

  Must be read in conjunction with other standards #3624(RC);

STANDARDS (Cont.)

Must decrease hazard and not increase it	#2043;2792;
Must specify what R must do	#331(RC);793(RC);1689;3811;
National concensus	#563;
Deviation from	#1919;
NFPA to petroleum industry	#2128;
Industry rep. must attend to make them such	#2128;
Re mercury	#563;
Re sawguarding	#945;2043;
National concensus	
Requirements for	#2271;
Need to be detailed	#1228;
Need not be drawn with math. precision	Diebold;
No alteration from source	#12597(RC);
No guideline to compliance	#9334;
No relation to safety	#1863;1907;
Not clear	#1295;
Not substitute for 5(a)(1)	#1229;
Notice	
Contra	#78-5805(RC);
Pub. in Fed. Reg. gives	#14886(RC);

STANDARDS (Cont.)

"Occupational Safety and Health"	
Term of Act	#1307(RC);
Only apply if there is a hazard	#3066;
Partial compliance all that is feasible	#524;
Particular supersedes general (See 1910.5(c)(1))	#211;368;507;525;1060;1229;1689; 1740;1807;
Pedestrian not protected by	#247(RC);
Performance level specified	
Not vague	#3449;
SOL must est. feasibility	#78-2128;
Petition for variance doesn't toll	#914;
Practicality not an issue	#1710;
Preemption	
FRA	#78-1504(RC);78-5805(RC); 79-1277(RC);
Recordkeeping not prompted	#80-3495(RC);
Only if particular hazard is addressed	#14523(RC);
Promulgation of	#258;563;1105;2384;2818(RC); 2862(RC):2997(RC);2998(RC); 5303(RC);11756(RC);12470(RC); 12525(RC);76-891(RC);77-4333(RC); 78-1443(RC);79-4005;79-4478(RC); 80-1841;
Defect in may not be tried before RC	National;
Delegated to SOL	#3304;

STANDARDS (Cont.)	
Promulgation of (Cont.)	
Improper	#2346(RC);2739;3367(RC);6493(RC); 7238(RC);7413(RC);12460(RC); 77-2840(RC);80-1841;Kennecott;
Incorporation by reference	#782(RC);5225(RC);
Invalid	#80-3295;
Proper	#2346(RC);3367(RC);6493(RC); 7238(RC);
Force of law	#5006;
RC may not review	#2975;6742;
Reversed	#5958(RC);10757(RC);Atl. & Gulf;
"Should" to "shall" not proper	Kennecott;
Valid even tho every employer does not agree	#1694;76-171(RC);
Verbatim not required	#5298(RC);
Without hearing	#2885;
Protection not necessary	
Decision not within province of RC	#14523(RC);
Provide for safe and healthful workplace	#1928;
Republication doesn't affect	#3449;
"Reserved"	
Meaning of term	#1416(RC);76-2049(RC);
R may not ignore those it doesn't agree with	#9225(RC);

STANDARDS (Cont.)

Review Commission interpretation controlling	Fiegen;
Resolving ambiguity	#15855(RC);78-1562;
Review Commission may not change	#117;522;676;1207;2218;
Reversed	#5958(RC);
Review of by Review Commission	#5958(RC);Arkansas;Atl. & Gulf;
Revision of	
Based on interpretative rule	W&W Steel(CCH23,807);
By SOL to reflect RC decision	Fiegen;
Not by program directive	#1906;
Substantially different from ANSI SOL must say why better	AFL-CIO;
Safeguarding specific	
Burden on R to show compliance impossible	#77-893(RC);77-1091;
Shipbuilding or a related employment	#77-1807(RC);
Shoring, Steel Scaffolding and Concrete Institute	#80-4810;
Silica dust	#4678(RC);
Silicosis or pneumoconiosis	#80-4340;
SOL changes advisory to mandatory	#78-1907;
Soundness of	
Not issue for RC	#295;589;2218;
Source of	#2885;
Invalid but not proper to raise in RC proc.	National
Specific before general standard	#161;211;345;1807;1906;2885;2888; 4237;4291;76-190(RC);77-3773; 78-1908;80-2760;
1926.700(a) over 28(a)	#77-4089;

STANDARDS (Cont.)	
Specification type	
Burden of proving compliance not feasible is on R	**Burgess;**
Hazard presumed	**#75-530(RC);**
Violated but safety not diminished	**#15983(RC);**
Specificity of as issue must be raised by parties	**#1097(RC);**
Steps taken just as good not defense	**#3142;**
Subject to different interpretations	**#1221;**
Subsections of	
Consider independently of each other	**#211(RC);**
Substantial compliance with	**#3931;4705;**
Technology forcing	**Diebold;**
Titles and topic heading of, meaning	**#76-2049(RC);76-2643;80-5124;**
Types of	**#4537(RC);**
Unconstitutional	**#793(RC);1863;**
Unlisted substitute not acceptable	**#1445(RC);**
Unreasonable	
Heavy burden where SOL & RC agree	**Pike;**
Vague	**#139;211;331(RC);344;507;525; 563;594;793(RC);827;1045;1221; 1229;1863;2246;2287;79-4615; Allis Chalmers;**
Based on reading of other standards, codes & industry custom	**#76-2049(RC);**

STANDARDS (Cont.)

Vague (Cont.)

Common understanding & practice used to determine	#76-891(RC);Ryder;
Decision on prior to hearing	#5181;
Defined	#331(RC);2538(RC);6499(RC); 79-1552(RC);
Determined in light of conduct to which applies	#76-5271(RC);
If R may also det. if cond. hazardous	#302(RC);
Inconsistency in enforcement	#80-496;80-2827;
Insufficient warning as to requirements	#80-496;
Interpretation less exact than criminal law	#676(RC);
Judge lacks authority to hold	#1690(RC);
May be cured by looking to application at worksite	#12831(RC);
Noise standards not unenforceable	#6352(RC);
Not if conveyed reasonable understanding of conduct required	#76-4765(RC);McLean;Diebold;
Not if employer only required to act reasonably	#5303(RC);
Not if exercise of judgement required	#76-1803(RC);80-1841;
Not if fails to specify how to correct	#2038;5008;
Not if it adequately informs of requirements	#3975;
How to correct	#2038;

STANDARDS (Cont.)

Vague (Cont.)

Not if it sets reasonable warning of proscribed conduct	#77-4343;
Only R can raise	#302(RC);
Other regulations and workplace customs may define	#331(RC);1541(RC);
Respondent must raise	#302;
Specifying performance level doesn't make it vague	#3449;
Subjective judgment only test	#331(RC);594;1863;4291;
Vagueness	#331(RC);510(RC);676;764;946(RC); 1399(RC);3367(RC);4291;5933(RC); 10616(RC);15690(RC);80-1841; 81-1012;Hoffman; Petrillo;
Criminal or First Amend. cases not helpful	Jensen;
Definition	#1087(RC);
Determined by reasonable man test	#5303(RC);76-190(RC);76-1053(RC); McLean Truck;B&B;Bedford Gas;
Industry custom & experience	#81-920;B&B;
Issue for RC	#1126(RC);
Judge may not raise sua sponte	#1263(RC);
Must be raised before ALJ	#1097(RC);
Test for	#79-1552(RC);Allis-Chalmers;

STANDARDS (Cont.)

Validity of	#79-4478(RC);
Affirmative defense	#782(RC);
Ancestor standards	#12525(RC);13401(RC);13874(RC); 15690(RC);76-181(RC);76-891(RC); 79-4478(RC);
Author. of judge to rule on	#8280;2944(RC);
Determined as part of enforcement proceeding	#2271;
Inherent in RC authority	#2271;
May be tested before RC	#2920;Atl. & Gulf;
Publication of prepared std. by media	#79-1552(RC);
RC may consider	#3973(RC);10925(RC);11869(RC); 12470(RC);12525(RC);77-4333(RC); 78-1443(RC);78-5577(RC); 79-4478(RC);
Variance	#1207;
Violates due process if each CO may interpret	#4291;
Violation of, only subjective	#2739;
"Whenever it is necessary by reason of hazards" (1910.132(a))	#1541(RC);
Where corrective action not indicated SOL cannot, with hindsight, impose his judgment on R's course of action	#3905;
"Wherever practical" (29 CFR 1910.252 (c)(2)(v))	#1576;

STANDARDS (Cont.)
Wisdom of #295;524;983;3561;
Not function of RC to determine #199(RC);319(RC);1924;2739(RC); 5007(RC);6765(RC);10757(RC); 15721(RC);76-93(RC);78-414;

29 CFR 1926
Genesis of #1295;

Properly promulgated #1130;

STANDARDS (By specific number see end of index)

STANDING
Union to contest withdrawal #12677(RC);

STARE DECISIS #76-140(RC);

STATE INSPECTOR
Opinion of
Subordinate to RC #13529(RC);

STATE PENALTY #2014;2339;

STATE PLAN #76-1201(RC);76-5344(RC);

STATEMENTS (See Evidence) #78-2696(RC);

STATUTE
Construction of #244(RC);1113;1210(RC);1399; 10825(RC);10849(RC);Budd;Diamond;
By SOL entitled to great weight Kesler;GE-III;Kennecott;

Fair notice of proscribed conduct required #79-1388;

Leg. process used to reach rather than views of legislators So.Pac.Trans.;

STATUTE (Cont.)
  Liberal construction, remedial #2969;78-1353;Nat.Realty;Ryder;Diamond;
  Progressive construction #79-5762(RC);
  Purpose prevails over literal reading #3367(RC);
  Read as a whole #79-1388;
  Specific prov. prevails over general #744;1060(RC);1399;(Brief);1482;
  Words given plain meaning #79-1388;
  Of limitations #15958(RC);78-5954(RC);
  Literal meaning of words #224(RC);13750(RC);76-119(RC);

STATUTE OF LIMITATIONS #15958(RC);77-2752(RC);79-2993;

STIPULATION
  Acceptance or rejection mandatory #4;756;
  Acceptable language for (See Exclupatory Language) #798;1566(RC);1647;2194;
  Admission in other proceedings - not #798;1034;1881;
  Approval of #618;628;629;
  As motion to withdraw #816;1092;1398;
    Decision must act on motion #1092;
  Basis for decision #1873;
  Conclusively establish facts Todd II;

STIPULATION (Cont.)
- Consistent with provisions of Act #3;130;215;2354;
  - Contra #756;1566;
- Decision on #78-2049;
- Judge bound by #4;80-119;
  - Contra #494;675(RC);
  - Unless evidence to support #693(RC);
  - Unless he advises both sides to contra #4;
  - Unless justice dictates otherwise #881(RC);
- Not admissible in other proceedings #798;1034;1881;2017;
- Of facts
  - Decision on #703;
- Pre-trial
  - Binds parties Forteza;
- Pro-se's unfortunate, facts binding Roanoke;
- Read in light of each party's knowledge of its theory of case #13171(RC);
- Respondent bound by #2347;
- RC still bound to det. penalty #370;777;
- RC will not pierce if not repugnant to Act #1759(RC);
- Service on union necessary #4323(RC);
- Transcript of prev. case #77-3949;

STIPULATIONS (Cont.)	
Treated as motion to withdraw	#1941;
Unclear	
Judge's understanding entitled to great weight	#4419(RC);
Withdrawing but not admitting OSHA viol.	#756(RC);798(RC);1566(RC);1846;
STOCKHOLDER IS EMPLOYEE	#440;1424;1960;4012;
STORAGE	
Material in does not violate standard	#497;
What constitutes	#402;2414;76-1480(RC);
STRIKE	
Threat of if standard enforced	#6565(RC);
SUBCONTRACTOR (Also see EMPLOYER)	
Actions to have general contractor abate viol.	#16110(RC);16256(RC);
Affirmative defenses available to	#11259;15598(RC);
Const. knowledge if hazard easily discovered	#13595(RC);
Defenses available	#13122(RC);16110(RC);
Did not create or maintain violation no excuse	#78-3899;
Duty to abate	#78-3575;
Duty to provide safe workplace	#78-4823;
Employees of charged to general	#77-3966;

SUBCONTRACTOR (Cont.)

Knowledge of general's poison gases	#78-3607;
Liable if employee exposed	#146;412;413;504(RC);610;674;725;781;1375;1615;1715;1727;1757;1953;1971;1973;1991;2011;3760;4760;4986;9507(RC);Central of Ga. (See 76-1408(RC));
Affirmative defense if he took steps to avoid	#8468(RC);76-2390(RC);
More than merely asking for corr. once	#76-88(RC);77-2331; (See 76-2390(RC));
Even if other employees exposed	#3901(RC);
Even if violation other employer's resp.	#2431(RC);4635;8468(RC);
Explained	Bratton;
Materialman equates with	Beatty;
Must do what is realistic to protect its employees whether ser. or NS	#13122(RC);4409(RC);76-1844(RC);76-2902(RC);80-3063;
Must attempt abatement or protect employees	#12775(RC);76-88(RC);76-2623(RC);77-3058;
Must survey and inspect worksite to preserve safety	#11771;76-5089(RC);
Must take reasonable efforts to protect employees	#76-1305;76-3105(RC); 79-2537(RC);80-4822;
Need not anticipate general contractor creating hazard	New. Eng. T & T;
Not liable for general violation to which his employees not exposed	#412;1128;

SUBCONTRACTOR (Cont.)	
Not liable for nonserious violation he didn't create	#5192;Anning-Johnson;
Not liable for violation based on construction by general	#3643;
On govt. contract & govt. resp. for viol.	#15825;
Posting OSHA poster	#2007;
Realistic alternative measures must be taken	#4409(RC);12775(RC);16147(RC); 76-2390(RC);76-2902(RC); 79-2537(RC); 79-2827(RC);79-3489;
Reasonable effort to abate violation of other's	#76-1703;
Relation to prime (general contractor)	#146;154;78-5492;
Scaffolding erected & maintained by general	#76-2411;
Who is	#1445(RC-Dis);
Willful viol. not est. if following general's orders	#78-3494;
Working on scaffold erected by another	#3643;
SUBPOENAS	
Failure to obey	#80-520;
Respondent's photographs subject to	#10833(RC);
Time of service before appearance	#7674(RC);
SUBSTANTIAL EVIDENCE (See EVIDENCE)	

SUBSTANTIAL PROBABILITY

Discussion of	#1(RC);5(RC);6;403(RC);680;714;1020;1049;76-1803(RC);78-1710;80-2540S
Satisfied if accident simply possible	#11286;

SUMMARY JUDGMENT

Granted to respondent	#2537(RC);10198;
Based on affidavit opposed by agrument only	#2873(RC);
Based on unanswered requests for admissions	#10198(RC);
Collateral estoppel as basis for	#7855(RC);
Court of Appeals quashes citation	#77-2795;
Denied to petitioner but granted to opponent	#78-4044;
Dispute over immaterial facts	#78-5940(RC);
Judge may withdraw grant of later	Prestress
No affidavit nor authenticity	#78-5940(RC);
When to grant (No issue remaining)	#10952(RC);15265;

SUPERVISION

De Facto foreman's knowledge imputed to R	#76-1174(RC);77-979;
Delegated	#76-4271(RC);
Duties define and not title	#4307;

SUPERVISION (Cont.)

Every boss is not	#4307;
General disc.	Pike;
Improper created hazard	#22;184(RC);
Inadequate	Danco;
May not rely on other employer's over its employees	#16096(RC);
Not minute by minute or over areas employees not expected in	#295;Gen. Dynamics;
Not one on one at all times	#89(RC);184(RC);77-3014;
Obligation of	#154;16096(RC);Pike;
Oiler by crane operator	#1320;
Over traveling employee	#16096(RC);
Required over experienced employee	#8478;
Less than inexperienced	#77-2115(RC);Gen. Dynamics;
Violation not unforeseen if within scope of work	#5811(RC);14193(RC);

TELECOMMUNICATIONS	
Now under construction standards	#4210(RC);
TEMPORARY LABOR CAMPS	#78-1103(RC);79-5715;80-917;
TESTIMONY	
Conflicting	
Judge's ruling will not be disturbed	#2739(RC);
Different from that offered pursuant to Discovery	#1889;
Equivocal by Compliance Officer	#80-7048;
Expert opinion	
Other safety regulations as	#19;
From faulty memory	#137;
Grain dust	#80-5309;
Interest of witness to be considered	#1367;
Not credible	#8387;79-1431;
Not relied upon because of interest in outcome	#19(RC);
Opinion unsupported by tests	#827;
Uncontradicted must be accepted	#15426(RC);
Vague, etc.	#299;439;2042;78-332;79-1585;
Weight and credibility	
Factors re	#1040;

TESTING

Accuracy of	#76-3270(RC);
Exposure to welding fumes	
Meter inside welding hood	#76-3816;
Min. safety distance	#76-3270(RC);
More than opinion or estimate required (See Burden of Proof)	#180;640;827;836;849;2477;
Noise levels	
When spot checking adequate	#3827;
Not necessary where labeled unless contrary evid.	#76-2360;
Reasonable amt. of all that is required	#77-580;
Samples may establish cumulative levels	#14702(RC);
Scientific not required of soil sample	#16029(RC);
Smelling gas	#80-4107;
Soil analysis reliability	#76-1228;
Soil sample 3 months after inspection	#777;
Subsequent to insp. but under same conds.	#13916(RC);
To determine air contaminants	#10;3359;15411(RC);76-190(RC); 80-5983;
To determine nature of liquid	#836;
To determine noise level where it fluctuates	#2116;

TESTING (Cont.)
  Where required
    Cannot establish general duty violation #1264;

THEORY OF CASE
  May be changed #4395(RC);

TIME
  Computation of
    Direction for review #494;722;

    Federal holidays not included #1551(RC);

    Respondent's holidays are included #76-2165(RC);

  Extension of
    Not by letter using wrong citation date #605(RC);

  Specified in Act
    Juridictional #849;

  Specified in RC rules
    Discretion vested in Judge #849;

TOILET FACILITIES
  Cost excessive to provide additional #511;539;

  Lack of privacy
    DeMinimis violation #123;

  Private residence #211;

  Under employer's control #511(RC);

TOOL
  Ownership of not material #3391;

TORT LAW
  Principles not applicable Ocean;

TRADE SECRETS	#4385(RC-I & II);76-2005(RC); 77-3206;77-3861(RC);
Burden of est. on one who claims	#4385(RC-II);Reynolds II;
Decision comment to protect	#78-4177;
Includes confidental matters	#76-3969(RC);
No basis for restricting expert to federal employee	#15965(RC);76-1220(RC); 76-1468(RC);76-3939(RC); 76-4757(RC);77-69(RC); 77-648(RC);77-1550(RC);
Protected by prot. order where nonfederal employee used	#76-1468(RC);77-648
All that is required	#76-3969(RC);
Liquidated damages for disclosure not required	#77-3481(RC);
R must raise issue of	#77-648;
TRACTOR	
Not a machine	#8274(RC);
TRAILER	
Includes semi-trailer	#849;
TRAINING	
Lack of may establish unsafe workplace	#922;12212(RC);79-199;
R must rebute	Danco
Learn on the job not a program	#78-2818;
What is	#1264;12847(RC);

TRANSCRIPT (See Hearing Transcript)	
Correction	
Witness now deceased	#77-1925;
Errors in must not prejudice	#78-661;
Incomplete	
Due to faulty equipment	#204;14096;
Reconstructed by ALJ from notes	#77-4204;
Incorporating prior into current record	#76-2841;
Omissions in	
Method of handling	#77-1300(RC);
Must be material	#77-1300(RC);
Not basis for reversal	#77-1300(RC);
Portion lost	#3322(RC);
TRANSFORMER	
Top not workspace requiring railing	#329;
TRENCH OR EXCAVATION (See Lockrem)	
Backfill	
As exit from	#5743;
Effect on	#3543(RC);
Box	#80-1109;
Cannot exceed 15' in width	Federico;
Defined	#344(RC);867(RC);1871(RC);3312; 3847(RC);4029;4090;4106(RC); 4136;4300;4395(RC);4553(RC); 9157(RC);10117;79-2471;79-6247; 80-4107;

TRENCH OR EXCAVATION (Cont.)

Defined (Cont.)	
Equivalents	#7454(RC);
Definition not controlling	#4136(RC);
Depth	
Must be over 5' on both sides	#3312;
Distinguished	#4090;6969;79-4462;
From bank	#80-7048;
Effect of freezing on soil	#2506;
Establishment of depth	#3025;
Excavation is trench but not vice versa	#78-4434;
Excavation not a trench	#80-7048;
Excavation standard applies if no trenching standard	#8407(RC);
Hard & compact soil	
Peorian loess	#3197;76-1228(RC);80-3703;
Measurement at bottom determines	#4553(RC);5479(RC);7373; 9522(RC);14188(RC);
Not a hole	#4351;
Shoring	#522;76-256(RC);80-4889;80-5171;
Injury while	#997(RC);
Lack of work rule re	#79-3596;
Only if more than 5' exposed (Trench box left less than 5' exposed)	#8845;

TRENCH OR EXCAVATION (Cont.)	
Sloping	
Does not change	#7455;
From bottom	#76-2802(RC);
Each side must be	#78-5260;80-7175S;
Need not be mathematically precise	#7373;
Only above 5' mark	#1871(RC);3004(RC);7373;8845;9508; 80-3703;
Soil (See)	
Condition based on whether wet or dry	#5743;
Stable - cit. dismissed	#3435;
SOL must show unstable	CTM;
Table P-1 applies to both	#2507;
Table P-2	#80-5171;
Technical distinction	#78-2558;
Trench not excavation	#9157;79-4462;
Vague standards	#80-2571;Lockrem;
Vibrations affecting	#76-256(RC);
Wider than deep as trench	#7454(RC);14188(RC);
TRIAL	
By consent	Marquette;
Jury not required	Atlas Roofing;
Respondent failed to appear	#7407;

TRIAL (Cont.)	
Speedy sought	#4845(RC);
TRUCK	
As workplace	#433;

UNGROUNDED ELECTRICAL OUTLET	
Damp area	#91(RC);
UNION	
As party must be served	#551;
Cannot challenge Sect. determination of abatement by NOC (See Abatement)	#562;
Not entitled to party status but allowed to intervene	#78-127(RC);
UNREASONABLE, CAPRICIOUS & ARBITRARY	#3905;
U. S. CODE	
Title #5, Sec. 554	#1060(RC);
Title #5, Sec. 557	#1060(RC);

VACATE
- By RC for G failure to certify NOC #1106;
- Form of for R to withdraw NOC #729;
- Item in citation forming basis for dismissed complaint #1006;

VAGUENESS (See Standard)

VARIANCE FROM STANDARD
- Application for after citation #4408;
- Employer apply to SOL #1531;
- Not within RC jurisdiction #295;1941;
- Solely up to SOL #563;
- Standard not tolled by #914;1671;
- Violation, action on stayed pending action on variance #2792;

VENTILATION SYSTEM
- Testing establishes inadequate #77-1807(RC);77-3412;

VIEW OF SCENE
- Not required Mohawk

VIOLATION
- Abatement
  - Establishing #76-3010;
  - Method creates new hazard which outweighs one cited #78-3992
  - Methods to prevent 5(a)(1) must be demonstrated Myers

VIOLATION (Cont.)

Abatement (Cont.)	
Need not be shown in 5(a)(2) issue	#3113(RC);7925(RC);
Absence of injury not factor in	#5324(RC);
Access based on reasonable predictability	#76-216;
Access determines	#2295(RC);
Access sufficient to establish	#3108;8721(RC);13122(RC); 15538(RC);16057(RC);76-4940(RC); 78-3234;78-4823;79-3189;Gilles;
Presumed	#78-2439;
SOL must est.	#76-799;
To edge of roof	#78-2184;
Accident	
Cause of does not establish violation	#16096(RC);
Does not establish	#89;190;219;378;402;441;522(RC); 969;1367;1806;1979;2384;5157; 6971;77-4130;78-866;78-3899;
But raises question of training adequacy	Gen. Dynamics;
Exception in case of crane hitting power line	#1481;
Lack of does not mean no viol.	#4985;15405(RC);77-4130;79-6180;
Not unavoidable where employees not properly informed	#4675(RC);
Occurrence of and facts surrounding may est.	#76-2551(RC);

VIOLATION (Cont.)	
Accident (Cont.)	
While installing shoring	#76-2523(RC);
Admission of by R conclusive	#667;
Alcohol	
Affecting action of employee	#78-866;
Alleged in alternative	#78-1485(RC);
Alleged of standard but not cited	#2384;
Alternative standard	#3217(RC);
Amendment of by Judge (See AMENDMENT)	
Another employer's	
Debris as to R	#690;
Resp. as to sub.	#690;
Assumption by CO not evid. of	#979;8907;
Availability establishes, actual use not required	#13832(RC);
Based on	
Demonstration for CO	#77-4009;
Inadequate inspection	#1506;
Opinion of nonexpert CO	#4910;
Being corrected at time of inspec.	#1142;
Breach of	
Ordinance doesn't est.	#1363;

VIOLATION (Cont.)	
Breach of (Cont.)	
Rule as defense (see violates safety rule)	#9726;
Unusual cir. to absolve	#85(RC);
Brief exposure contrary to insts. not	#4427;
Burden of Proof (See)	
Business subsequently sold	
As to old and new owners	#4253;
Caused by other employer	#1722;
Cited standard	
Evidence doesn't est. although other viol. may exist	#2538(RC);
Not before the Judge	#522(RC);
Evidence doesn't est. although other viol. shown but not cited	#247;899(RC);1229;2538(RC);
Classification of	#79-5276(RC);
Must be tried to be raised	#12775(RC);
Combining instances into 1 violation	#25;
Common practice	#916;
Compliance feasible	
Burden of proof on SOL	#76-1845;
Compliance	
Cost exceeds benefits	#78-3393;
Method not up to SOL in performance standard	#77-3338;

VIOLATION (Cont.)

Compliance (Cont.)

More hazardous than not	#7111;11872;15114; 76-2167;
Contra	#7533;
Will reduce production not a defense	#13692(RC);
Compliance officer must observe (See #433 for converse)	#120;137;412;1465;1815;2007; 79-1554;
Contra	#80-6793;
Conceded by R but rejected by Judge	#849;
Conjecture not basis for	#77-508;
Consolidation of	
Not if covered by specific standard	#77-4089;
Continuing	
6 month rule not app. to	#11742(RC);
Contra to company policy	#2541;
Cost of preventing not defense	#3035;
Could not reasonably be foreseen	#2863;9806(RC);
Created in order to perform job	#78-5997;
Creator of is responsible for	Beatty;
Defective tool as	#355(RC);
Belonging to coworker	#77-4324;
Not in use but available	#504(RC);3108(RC);

VIOLATION (Cont.)	
Defense (See DEFENSE; Isolated, this heading)	
Affirmative	
Hazard from compliance greater than noncomp.	
Alternative means unavailable and variance application inappropriate	#11171(RC);
Agency, contracts, tort rules exclude respondent	#154;
Cost as	#11037;
Difficulty of complying as	#1105(RC);
Definite evidence required	#6902
De Minimis (See)	
Demonstration of is an admission	#3990;
Described with particularity in cit.	#1942;
Determination re serious in withdrawal	#192;
Disobedience of specific oral safety instruction	#78-1908;
Due to human error not forseeable	#855;
Due to landlord's inaction	#78-2421;
Due to leased equipment	#3948;
Duplicative item will be vacated	#76-1036(RC)
Non-duplicative	#76-4765(RC);
Duration of exposure not factor in	#5324(RC);

VIOLATION (Cont.)

Employee	
Act reasonably foreseeable	Ocean II;
Certain acts of don't create	#855;4114;
Did employer know of action by (See unexplained action as)	#4635;
Exposed while installing guard	#2977;76-2523(RC);
Exposure must be shown (See Exposure, this heading and EXPOSURE)	#688;4679;7064;12130;12982(RC)
Foreman	
Acts imputed to R	#1930;3069(RC);
Not unforeseen if within scope of work	#5811(RC);
Misconduct	
Disobedience of orders	#5103;77-2484;11015(RC); #13335(RC);3069(RC);3551(RC);
Precluded by better hiring, training, or disc. by R	Pike;
SOL must show action forseeable	#78-4070
Must be exposed	#118(RC);146(RC);425(RC);504(RC); 621(RC);673(RC);949(RC);1038;1858; 2081(RC);12982(RC);
Must be identified by CO	#690;
Negligence	
Doesn't alter fact of	#465;832;2703(RC);REA;Getty; #8123;Butler;
Not supervised	#2096;

VIOLATION (Cont.)	
Employee (Cont.)	
Training and instruction determines	#4105(RC);
Violates safety rule	#85;124;237;259;1815;2969;4307; 9806(RC);
When supt. does	#3069(RC);3551(RC);Pike;
When supt. knows	#78-1363;
Violation by	#4114;4453;
Employer responsible for (See 278 A2d 318, Employer)	
All employees on site	#8468(RC);12775;80-4711;
Construction mgmt. firm only for Sec. 5(a)(1)	#1038;
Establish and enforce safety rules to avoid liability	
Burden of proof on R	#4105(RC);
Equipment used whether owned or not	#922;1886;
General (See Prime)	
Leased employee	Frohlick;
Not creating hazard	#8468(RC);
Not resp. for acts of foreman	#5209;
One in best position to assure safety	Clarkson;
Own employees only	#103;688;949;3262;
Permission not required	#410;

VIOLATIONS (Cont.)
Employer responsible for (Cont.)

Prime and sub both cited	#69(RC);394;471;567;
Prime's contractual duty but sub's employee exposed	#949;1953;1973;3760;4986;
Prime not resp. for sub's	#413;810;3262;
Serious if could not forsee or detect	#765(RC);
Prime responsible for observable nonserious	#765(RC);
Sub. checked safety at beginning of shift but other R sub. created hazard	#1973;
Sub. not resp. for prime if employee not exposed	#412;
Sub. responsible for violations it creates	#14448;
Sub. resp. if employee exposed	#1715;1971;2431;
Even if general fails	#1991;
Sub. resp. unless it notified prime, avoids or uses alternative means	#8468(RC);
Truck driver unloading at other bus.	#237;
Violations it could prevent or abate	#8468(RC);79-557;
Violations it supervises	#8468(RC);
Where had knowledge and cont. to viol.	#258;
Where unaware of because of faulty test equipment	#296;

VIOLATION (Cont.)

Equipment in shop for repair	#2983;
Error of judgment as	#344;
Established by sub. evidence	#739;Texports;
Even if viol. standard not workable	#84;
Evidence to establish	
Only that required at time of inspec.	#4385(RC);
Preponderance of to find	#4385(RC);
Exemption	
Contract w/city to manage const.	#12651;
Exists as to static condition where employees exp. prior to insp.	#1114(RC);
Exists before inspection but not during	#76-1796(RC);
Exists by virtue of char. of item	#2739;
Exists even tho P has no cont. over	#2006;
Exists so work may be performed	#810;4415(RC);
Exists while safeguard being constructed	#76-4169;
"Exit discharge"	
Sliding door as	#11118(RC);
Experienced and qual. tech. need not be supervised one on one	#89(RC);184;3458;77-3567;
Exposure (See EXPOSURE and Employee, this heading)	
Abated by removing employees	
Not pract. for nonserious	Anning-Johnson;

VIOLATION (Cont.)
Exposure (Cont.)

Access based on reasonable predictability	
Defined	#504(RC);76-4940(RC);
Actual required	
Modified to accessible	#394(RC);504(RC);5784;8424; #5692(RC);13832(RC);
Availability est., actual use not req.	#13832(RC);79-6049;
Based on rule of reasonably predictable or forseeable access to hazard	#1231(RC);
Brevity of doesn't negate	#76-88(RC);
Defined	#146(RC-Dis);
Discussed	#78-3899;
Due to answering call from CO a distance away	#76-3891;
During abatement	
Employees must be protected	#16059(RC)
Employee	
Accessibility enough	#5692(RC);
Actual not est.	#12651;
Must be proved	#329;494;597;606;621;637;919; 967(RC);1038;1127;1242;2287;2490; 2524;3262;3448;3556;3816;4356; 6189;7988;8116;
Circumstantial evidence to est.	#224;2047(RC);
May be inferred	#688;967;2082;LeeWay Motors;

VIOLATION (Cont.)	
Exposure (Cont.)	
Necessary to do job	#247;394(RC);504;597;919;949;1207; 1225;2081(RC);2693;3656;3780; 4415(RC);5390;76-77;80-3921;
Nonworkhour conditions do not determine	#11536;
Not established	#76-282;
Of other than R's employees	#15538(RC);Underhill;
Est. viol. by one who caused	#15388(RC);
Of walkaround employee not	#13832(RC);76-982(RC);
Permitted or directed is necess.	#2969;
Potential of R must remove employees	#8055;
Requirement to establish violation	#247(RC);504(RC);606(RC);949(RC);
Sub contractor's employee	#1141;1715(RC);
Where employer controlled area and resp. for its maint., SOL need only show hazard & area accessible to any workman	#78-5623;Dic-Underhill;
Who created hazard not defense	#13853;
Failure to cite on earlier inspection	#78-583;
Failure to give safety instructions	#79-1214;Ames;
Failure to violate gas fumes	#77-1084;
Failure to obey Judge's Order not citable violation	#76-308;

VIOLATION (Cont.)

Failure to prove	
Inspector a poor witness	#137;
R aware of violation	#258;
Failure to provide additional facilities	
Excessive cost as defense	#529;
Failure to report fatality but G knew	#137;
Failure to wear protection equipment	#13615;
Foreman supervising multiple sites	#15438(RC);
R knowledge of accident possibility when foreman absent	#13573(RC);
Foreman's contrary to rules	#3069(RC);
General Duty	
Hazard likely to cause death or ser. injury required	#2648;
Not used if spec. standard (See Standard, Spec. before Gen.)	
Testing required	#1264;
Government must prove	#137;219;
Gravity (See)	
Grouping of nonserious to make serious	#1671;5572(RC);77-1116;
Guarding	
SOL does not have to show how to	#8454;
Hazard alone doesn't establish	#995(RC);
Exposure also required	#9996;
But accident not required	Bethlehem III

VIOLATION (Cont.)	
Hazard alone (Cont.)	
Frequent exposure establishes	#78-3627
Impossibility of comp. as defense (See DEFENSE)	
In area where employees not expected	#295;1382;
Inapplicable to cited workplace	#1085;1113;1166;1444;
Incidental acts of carelessness & neglect as	#78-5471
Industrial practice as affecting	#78-5310;Bristol;Cotter;
Industrial practice not controlling where hazard readily apparent	#15855(RC);78-190;79-6180; 80-1609;Cape & Vineyard;
Injury not required	#76-4890(RC);
Inspector need not see machine in operation	#4253;
Instructed to work "safely" not enough	#78-1080;
Isolated occurrence (See DEFENSE; Affirmative)	#72;85(RC);89;91;141;144;259;268; 378;406;419;515(RC-Dis);1607;1941; 2082(RC);2270(RC);2295(RC);2565 (RC);3025;4028;4090;4713(RC);4786; 10269;11552;12398(RC);12633;14300 (RC);77-1116;77-2685;77-3432; 78-2939;78-4204;
Affirmative defense	#524(RC);2082;
Burden on R	#8862(RC);76-4611;
Defense, as (See)	

VIOLATION (Cont.)
Isolated occurrence (Cont.)

Defined	#12135(RC);12398(RC);8862(RC); 77-3133;78-454;
Distinguished	#777;1205;2011;
Driving dump truck with body up	#10604;
Employer not responsible	#5727;
Failure to enforce rule ground to reject defense	#12398(RC);
Failure to follow safety rule is	#15581;
Failure to hook safety belt as	#14186(RC);
Intentional act of employee	#78-2321;
Momentary exposure contrary to employers inst.	#2286;
Not if 50-60 old violations under earlier act	#410;
Not satisfied by issuing safety equip. but not instructions or follow-up	#14580;
Not where safety policy violated had been weakly enforced	#4503(RC);
Personal needs as	#78-3805;
Refusal to comply as	#703;
R follows CO's advice at his peril	#15581;

VIOLATION (Cont.)	
Isolated occurrence (Cont.)	
R must prove noncompliance unknown and contrary to instructions and work rules	#12354(RC);
Refusal to comply as	#703;
Removal of saw guard for large cut	#979;
Second instance of not	#2748;
SOL does not have to est. negative	#524(RC);
Supervisor's act as	#76-1309;
Where strict rules exist	#7360;
Joining many into one serious	#1191;
Judge cannot increase severity of	#690(RC);
Judge may not find on different basis	#4447;
Judge's Order not citable as	#76-308;
Knowledge (See KNOWLEDGE)	
Leased equipment and operator	#3433;
Lack of training program establishes	#855(RC);
Loaned employee not supervised by lender	#6988;
Machine	
Guarding - moveable guard may	#14567;

VIOLATION (Cont.)
  Machine (Cont.)
    Leased out and violates standard #3433;

    Not operating but contains viol. #2568;2597;

    While down for repair #1832;

  Measurement approximated #8101;

  Multiple employers on worksite (See EMPLOYER)

  Multiple items combined in one penalty #2887;5572(RC);

  Multiple of single standard (see grouping, this heading) #25;368;3560;3713;4182(RC);
    As one serious #2068;5572;

  Must specify section of NFPA violated #9990;

  No employee exposed #1225;3262;3271;

  No older than six months #3393;

  Noise
    CO's testimony only offered & he lacked experience #77-672;

    Reinspection covering machines, one of which still within previous abatement period #7134;

  Noncompliance with standard must be shown #2490;

  Nonserious
    Definition #1(RC);594;1020;
      Between de minimis & serious #258(RC);

VIOLATION (Cont.)	
Nonserious (Cont.)	
Knowledge required	#9413(RC);
May not be elevated (See Upgrading - this subject)	#111;266;594;690(RC);2888;5727;
Subcontractor for situation created by others	Anning-Johnson;
Nonstatic	#2007;2739;
Not cited in earlier inspection doesn't excuse	Cedar
Not condoned by employer	#237;378;
Not good defense that safe equip. supplied at beginning of job	#14520;
Not if exposure necessary to do job	#394(RC);
Not if practice affords equal or greater safety	#703;2249(RC);2864; 3180;7935;
Not if required testing not done	#2739;
Not if R meets responsibility to employees	#3458;
Not if stevedore refuses to obey rule	#3821;
Not if unavoid. accident (RC disagrees)	#85;
Not observed or tested	#3481;78-4121;
Not on hearsay (See Hearsay)	

VIOLATION (Cont.)

Not on suspicion, surmise or conjecture	#2332;3750;
Not shown to affect safety	#16184(RC);
Not shown within 6 months of citation	#79-685;
Not to protect non-employee	#2081;
Not where compliance would prevent work being accomplished (See Exposure)	#810;3931;6972;
Not where disagreement re meaning of standard	Kent;
Not where only exposure is deliberate employee act	#9603;
Not where R not able and physically and economically constrained	#9739(RC);
Notice of Contest to also raises issue of penalty [See 5th Cir., Sec. v. OSHRC & Echols, and #2354(RC) to contrary]	#1057;
Notice of to R required	#77-705;
Occurred simultaneous w/insp. is not viol.	#78-2474;
Occurrence of hazardous conditions doesn't establish violation	Myers
Only for that charged in citation	#85(RC);1796;
Only if employee exposed	#606(RC);949(RC);
Only if G shows a hazard	#2542;
Only if item in noncomp. is used	#509;

VIOLATION (Cont.)

Only 3 months period prior to inspection	#4825;
Other equal means of compliance	
Burden of establishing on R	#5479(RC);
Ownership of equipment not determinative	#1375;6579;
Onwership of realty not determinative	#6579;
Partial protection no defense	#76-2419(RC);
Performance standard	
SOL must establish tech. & econ. feasibility	#78-2128;
Preponderance of evid. to establish	#16193(RC);77-3666;78-2195;
Preventability	#15438(RC);
Prior insp. did not cite same cond.	#76-5242;
Prior to presenting credentials (See Inspection;Sec 8(a))	#2829;12696(RC); 12720;
Proof of alone doesn't est. serious	#406;
Proof to establish	#9985;76-1389; 81-1103;
Protective equipment	
Employer and employee duty	#258;
R must enforce but not resp. for occasional lapse	#12272;13958(RC);
Railroad liable for on another's siding	#11742(RC);

VIOLATION (Cont.)	
Reduction by Judge	#782(RC);
Willful to serious	#78-50;
Reduction to de minimis	#2739(RC);
Related conditions	
Duplicitous	#10929(RC);
Separate hazards	#10929(RC);78-69(RC);
Remote possibility of	#83(RC);
Repairs under way	#4415(RC);
Repeated	
Burden of proof	
R must est. act not similar if same standard	#14899(RC);76-1924(RC);
SOL must est. prior viol. became final	#13225;16183(RC);76-2318;77-2752;
Change of owners (See Successor in Interest, this heading)	#76-5242;
Circumstances different	#78-672;
Citation must give notice of what prior viol. was	Todd II
Citation must have become final order	#5731;10798(RC);
Citation which is final cannot be relitigated	#12174;
Compare with failure to abate	#11543;

VIOLATION (Cont.)

Repeated (Cont.)

Construction site rule	#15540;76-702(RC);76-2841; Deserrolos;Hyman;
Defined	#1556;2384;2739(RC);3822(RC); 3975;4601;4703;5222;7606(RC); 8407(RC);10211;10434(RC); 12510(RC);12939(RC);13559(RC); 14265;14965(RC);15317(RC); 16183(RC);76-191(RC);76-192(RC); 76-1480(RC);76-3337;76-3444(RC); 76-4219(RC);77-1116;77-1999; 77-2150;77-2207;77-4409;77-4471; 78-1562;80-6793;Bethlehem I (Not Followed, #13875);
Different location on same worksite	#12311(RC);
Different worksite & personnel	#78-1080;
Different worksites but same violation is properly classified as repeated	#8282;76-702(RC)
Distinction between permanent and transient worksite	Desarrolos;
Elements of	#16183(RC);76-702(RC); 76-4219(RC)
Failure to abate distinguished	#9480(RC);78-1715;
Flaunting not required	#15908(RC);12311(RC);Todd II
Contra	#15094;
Geographical separation determinative	#8407(RC);(but see 16183(RC));
Good faith must be considered	#3975;76-3444(RC);
If penalty less than $1000 no issue	#15688;77-3362;

VIOLATION (Cont.)
  Repeated (Cont.)

Involving work area from Albany to Atlantic City	#12486;
Knowledge not element of	#76-702(RC);
Merged corporation	#78-78;
More than once	#15908(RC);76-1498(RC);
More than same standard required	#12510(RC);
Must arise after prior violation	#15858;
Must be identical violation	#12272;12311(RC);
Contra	Hyman;
Must flaunt	#2739(RC);12272;
Contra	Hyman
Need not be det. if penalty proposed below $1000	#11028(RC);11526(RC);77-1091;
Not because Union prev. informed R	#2739;
Not charged as such	#1598;
Not if prev. citation not final	#3821(RC);4418;6052;80-223; 80-3703;
Not restricted to same area	#12486;
Not where prior violative condition modified but CO still cites	#77-705;
Not where standard is being litigated and enforcement attempted	#13021(RC);

VIOLATION (Cont.)

Repeated (Cont.)

One previous enough	#15721(RC);
Other than serious	#76-4371(RC);78-1351(RC);
Prior abatement required to establish	#78-2525;
Prior violation establishes	#13390(RC);13746(RC);15317(RC); 16062(RC);6183(RC);16317(RC); 76-530(RC);76-1481(RC);76-3444 (RC);76-3743(RC);76-4173(RC); 76-4219(RC);76-4988;76-5089(RC); 77-671;78-1351;78-4398;79-1456; 79-2117;79-2288;79-2658;79-2984; 79-4559;79-4267;79-4588;80-210; 80-1268;80-4711;
Single one is enough	#16183(RC);Hyman;
Prior violation not contested	#77-2752;80-6793;
Prior violation other than serious	#77-2752;80-6793;
Prior violation settled	#76-4271(RC);78-3019;
Prior violations years ago doesn't void repeat	#7606(RC);77-2752(RC);81-226;
Proof of	#76-1480(RC);
Safety belts in lieu of perimeter guarding	#9739(RC);
Same degree of culpability required	#77-2752(RC);
Same employer required	#16183(RC);
Same standard	
Dispartite conditions and hazards not repeated	#15721(RC);81-218;

VIOLATION (Cont.)	
Repeated (Cont.)	
Same standard (Cont.)	
Enough to establish	#15908(RC);15317(RC);16183(RC);76-2677(RC);77-553(RC);78-1907;79-5276;79-6492;
Under same supervision	#11344(RC);
Under similar circumstances but on different ships in same facility	#15317(RC);Todd II;
Same worksite	
What constitutes	#2739(RC);
Second citation of standard previously violated	#8392(RC);14265;76-2669;79-3414;79-5553;Todd;
At another construction site	#12311(RC);13625;
Subsidiary corporation separate R	#849;
Substantial similarity	#80-6793;
Successor employer	#337;4253;16183(RC);76-5242;
What constitutes a R for	#509;2739;
Widely separated const. sites	#77-1135;
Requires more than mere poss. of offending item	#433;721;
Requires noncompliance and exposure or access	#1986;77-3666;
Requires realistic exposure	#4000;

VIOLATION (Cont.)	
Respondent	
Cited where he relied on SOL's advice	#72;1531;
Could have known	#2671;
Must do everything within his power to avoid accident	#141;
Responsible for machine at workplace	#258;
Responsibility	
As factor in penalty	#3713;
Bldg. owner for ind. cont. repairing bldg.	#78-3374;
For safety left on foreman	#77-859;
Responsibility	
For violation, not factor	#154;610(RC);621(RC);637(RC);674; 690(RC);781;1132(RC);1615;2011; 2917;3142;3556;4136;5159;
Cannot be contracted away	#76-2748(RC);
Not a factor	#224(RC);
Tenant for violation of landlord (Analogous to sub-contractor holdings)	#78-5704;
To other employees	#3901(RC);
Ultimately rests with R	#237;439;3593;
Safety policy alone doesn't absolve	#85(RC);
Safety practices	
As defense	#15;3458;
Use of up to each employee	#78-625;

VIOLATION (Cont.)

Safety training as defense	
Must include specific instructions for job at hand	#9118(RC);
Same standard at diff. locations permit sev. cits.	#4182(RC);
Secretary of Labor of Act or his own reg.	
May void citation if R prejudiced	Atlantic;
Separate hazards permit separate cits.	#10677(RC);
Separate workplaces may each have same viol.	#6(RC);
Serious v. nonserious	#90;158;585(RC);
Air contaminants as	#1369;3359;4678(RC); 77-1807(RC); 78-4393;79-928(RC);79-2205;
Burden or proving is on SOL	#1603;
Differentiated	#2264;81-614;
Established by interaction of several	#1671;
Height of fall a factor	#13064(RC);
Serious	
Accident need only be possible	#4968;1114(RC);79-1728;
Air contaminants as	#2311(RC);3359;4678(RC);78-1455; 78-1923;78-2712;78-4674;79-769; Hermitage;Bethlehem IV
Amputation possible constitutes	#77-3770;
Asbestos particles in air	#2692;
Bleeding alone is not	#78-2202;

Serious (Cont.)

CO background does not qualify him to testify re:	#2714;
Crane capacity det. by Eng. as	#78-3155
Created by others but R's employees exposed	#10309;
Defined	#1(RC);5;;91(RC);266;319;355(RC);401;403(RC);503(RC);585;586;867(RC);1049;1593;1728;1833;2128;4956(RC);5925;13334(RC);14884(RC);76-647(RC);Calif. Stevedore;Hermitage;Georgia;
Several grouped to form	#247;5572(RC);
Elements of	#1;6;48(RC);91(RC);319;401;403(RC);515(RC-D);573;585(RC);586;587;594;922;1049;1114(RC);1603;1716;1833;2068;76-1408(RC);77-3041(RC);
Determining factor	#91(RC);585;1191;
Employers duty re	#271;
Evidence must establish	#78-4257;
Evidence to establish	Dorey
Exit signs, lack of as	#76-1036(RC);
Exposure even brief does not negate	#76-4765(RC);
Exposure to one created by another employee	#10033;
Failure to lock-out dangerous machine	#155;
Fall	
7-9' or less	#78-2202;79-933;79-4543;80-6182;

VIOLATION (Cont.)	
Serious (Cont.)	
Fall (Cont.)	
Over 10'	#80-4992;80-5547;80-6074;81-264;
Over 12'	#80-3708;
23'-30'	#3390(RC);78-6032;80-457;80-3295;
Over 25'	#16265(RC);80-1224(RC);
30-35' or 27'	#14886(RC);76-3653(RC);80-2760; 80-5498;
36'-44'	#80-4561;
Over 50'	#80-6331;
Over 100'	#76-4507(RC);
From roof as	#4296(RC);76-357(RC);
High as	#585;899;1405;1671;
Field Operation Manual	#79-6223;
Forklift, riding of	#124;79-1431;79-4712;
Gasoline vapor as	#714(RC);78-3861;
Hazards determine	#77-3041(RC);
High voltage line clearance	#409;
Established by crane within 10'	#9;1320;
If changed must be found to sustain viol.	Bethlehem IV

VIOLATION (Cont.)

Serious (Cont.)

Improperly stacked lumber as	#1020;
Increased to from other violation	#594;690;12705(RC);
Injury	
Absence of probative evid.	#76-1887;
Knowledge	#271(RC);3179(RC);77-2115(RC);
Exists if accident could be prevented	#4675(RC);Danco;
Required	#3041;11232;
Load, walking under	#1296;
Manhole, failure to purge	#100;
May consist of several items	#5106(RC);80-7081;
Not multiple nonserious	#3460(RC);
Must also consider lesser included	Vy Lactos;
Noise not	#77-2974;78-3297;
Nominal penalty	#703(RC);
Not if employee negligent	#271;
Occupational hazard required	#76-1887;
Penalty	#14;33;1255;
Permission not necessary to constitute	#85(RC);410;
Point of operation guarding	#1623;76-2617(RC);
Possibility of accident	#642;81-1977;

VIOLATION (Cont.)
Serious (Cont.)

Prob. of acc. as factor	#1(RC);5(RC);6(RC);91;401;403(RC);585(RC);867(RC);1049(RC);1761;
Not a factor	Shaw;
Prob. of death or serious injury is substantial	#319(RC);11864(RC);76-191(RC);76-192(RC);76-3942(RC);76-5089(RC);79-2589;79-2633;
Protective helmet violation not	#585(RC);
Radial saw accident will cause	#1833;
Reduction to nonserious	#14;594;2354;
Required to perform job	#77-2526;
Resp. must have or could have known of	#81-805;Ocean II;
Resp. unaware of	#1741(RC);
Requires more than mere noncompliance	#184(RC);
Safety line as	#41;
Shown by evidence but not cited as	#266;690;
Silicia dust as	#4678(RC);
Silver nitrate and oxide gas	#77-1811(RC);
Skin discoloration	#77-1811(RC);
SOL must establish that air contaminants are	#2311;

VIOLATION (Cont.)	
Serious (Cont.)	
Spinning saw as	**#2094;**
Substantial evidence to establish	**#515(RC-D)**
Substantial probability of death or ser. phy. harm	**#3041;13591(RC);16317(RC); 78-3491 (RC);79-4517;79-4543;**
To de minimis	**#2739;**
To other than serious by Judge	**#594;1053;**
Trench cave-in as	**#3324(RC);**
Scaffold cannot be while being erected	**#6080;**
Severity may not be increased by RC	**#5727;**
Single standard	
More than one instance constituting single citation	**#7606(RC);**
Single violation but multiple employers	**#17;**
SOL must inform how to abate	**#76-1892;**
Speculation will not support	**#4904;77-508;**
Standard same but diff. area of plant	
New violation	**#12862(RC);**
Static type	**#2007;**
Statistical basis not needed to find	**Dorey;**

VIOLATION (Cont.)

Strike threat not basis for noncompliance	ITO Corp.
Sub doing nothing about establishes	#16174(RC);
Subcontractor for own violations	Anning-Johnson;
Subcontractor liable for even tho He did not create	#14395;
His employees supervised by general as to safety	#1953;
Subcontractor not resp. for	#11232;79-2445;
Subcontractor's as to general's	#78-5492;
Substantial compliance	#78-1681;
Substantial evidence doesn't establish	#2311;
Substantial probability	#80-6601;81-1530;
Supervisor's act Violating established and enforced policy	#78-4134;
Surmise that exists will not support	#923;
Temporary to permit work to continue	#3068;3556;4679;
Test of existence Whether reasonable man recognized viol.	#12208;
Tool Available for use	#78-2965;
Ownership of not material	#3391;

VIOLATION (Cont.)

Trench	
May be re-cited for diff. location of same trench	#1096;
Trench spoils	
A new viol. when again found as trench progresses	#1261(RC);
Unauthorized repair work	#78-4070;
Unenforced rule not a defense	#259;
Unexplained action as	#1221;4635;9806(RC);
Unguarded wall opening	
Working at	#1127;
Uniform categorization of	#1833;
Unintentional	
Not valid defense	#1466;
Unpreventable (See DEFENSE)	#5157;78-2760;
Upgrading by RC	#22;48(RC);111(RC);221(RC); 266(RC);690(RC);777;2888;
Useless compliance not required	#13139;
Violating final order of RC	#76-308;
When	
More than 6 mos. prior to citation	#3393;
Prior to presenting credentials	#1228;2888;12720;
Where employer elects to expose its employees it is resp. for safety	#14578;

VIOLATION (Cont.)

Where work suspended there is no viol.	#678;
Who to cite	
Employer who create hazard is resp.	#3694(RC);Underhill;
Employer who controlled & is resp. for maintenance	#3694(RC);Underhill;
Willful	#1(RC);33;221(RC);782(RC);1409; 1734;2414;2538(RC);2630;2637;2739; 2805;2901;3197;3256;3258;4172(RC); 3533;3699;3931;4172(RC);4427;6052; 7134;8128(RC);9483(RC);11166;11344 (RC);13019(RC);13680(RC)13682(RC); 15414(RC);76-1053(RC);76-2644(RC) 77-787;77-4009;77-4343;78-78; 78-448;78-2818;78-2830;78-3427; 79-3231;80-2760;80-5153;Irey; Messina;Inter.Const. Co.; Consol. Coal Co.;Dye;Western II;
Acts of employees (refusal to wear hardhats)	#4107(RC);4897(RC);
Aware of hazard but took no action	#77-4204;78-583;79-4982;
Based on mistaken belief	#78-2090;
Based on past accident activities	#78-3126
Careless disregard of standard is	#11011;13685(RC);16029(RC); 76-2154(RC);76-3980(RC);76-5039 (RC);78-50(RC);79-2780;79-3189; 79-6671; 80-1383;
Charged but only serious found	#5324(RC);15314(RC); 77-4476(RC); 80-6678;80-7081;
Cited - less proved	#2805;
Conscious ignoring Act & disregard for safety	#9339(RC);9483(RC);78-982;78-1618; 79-4505;

VIOLATION (Cont.)
Willful (Cont.)

Continued use after employee complains re safety	#13331(RC);
Defined	#11008(RC);13331(RC);4533(RC); 14236(RC);14315(RC);14890(RC); 76-5039(RC);77-3520;77-3575A(RC); 79-1963;80-5474;Empire;Irey; Western II;Dye;Intercounty; Messina;Cedar;Kent;Georgia; Nat. Steel;
As deliberate act	#9522(RC);12525(RC);77-2100(RC); 77-3088;80-4035;80-4711;
To achieve prod. goals	#13682(RC);
Deliberate	#78-5284;
Deliberate and knowing act	#77-3540;
Discussed	#14080(RC);77-91;77-3575A; 78-1901;78-6127;Kent;
Duty to protect must be known	#78-3825;
Elements	#11008(RC);
Evidence re	
Only prior official complaints	#77-387;
Facts not in dispute	#11011(RC);
Flaunting not necessary	#9339;
Foreman's failure to instruct as	#16029(RC);
Foreman's imputed to R	#3860;9225(RC);9339(RC); 76-1060(RC);79-1209; 79-2328;79-2408;
Contra	#78-1353(RC);

VIOLATION (Cont.)
Willful (Cont.)

Gamble to proceed in face of hazard	#76-2566;
Good faith test	#76-256(RC);76-1053(RC); 77-2100(RC);77-4471;78-2125(RC); 81-218;
If foreman decides to allow work to proceed not in compliance with the standard	#9225(RC);
If R ignores standards it doesn't agree with	#9225(RC);
Ignoring obvious grave danger as	#15414(RC);
In foreman's absence	#5324;
Intentional disregard or indifference required	#3685(RC);7869(RC);9483(RC); 9485(RC);9522(RC);10803(RC); 10804(RC);10929(RC);14080(RC); 76-1992(RC);76-2644(RC);77-2627; 77-3668(RC); 77-4476(RC);79-6913; Georgia Elec.;
Lack of concern establishes	#13019(RC);
Lack of diligence not	#78-50(RC);
Lack of knowledge of safety requirement Federal Register pub. is notice but won't support willful	#78-3825;
Laxity in enforcing safety rules	#79-2328;80-4035;
Leisurely approach to guarding amounts to indifference	#78-6085;

VIOLATION (Cont.)

Willful (Cont.)

Knowing act in disregard of actions legality	#76-1924(RC);
Knowledge predominant factor	#1(RC);1409;
Established by publication in Federal Register	#78-3825;
Malicious intent not required	#12525(RC);76-2154(RC);78-50(RC); Kent;
May be reduced	#2805(RC);3142(RC);3258(RC);
To serious even tho not in citation	#4172(RC);4395(RC); 5324(RC);78-1353;80-3589;
Motive not a factor	#76-431(RC);
Must also charge as serious or nonserious	#2637(RC);3258(RC);
No defense to say SOL didn't tell him how to abate	#14315(RC);
Not based on failure to perform unkown duty	#78-4823;
Not based on lack of knowledge which is readily avail.	#78-4823;
Not based on prior violation	#78-5260;
Not supported by mere knowledge by R	#78-1595;
Not supported by prior cit. still in litigation	#3931;
Not where R attempted to comply	#11344(RC);

VIOLATION (Cont.)
Willful (Cont.)

Not where R thought it was in compliance	#10803(RC);77-2100(RC);79-69; 80-4107;
Not where there is confusion re meaning of standard	#76-1703;
Not unless charged	#221(RC);
Only found if alleged	#5582;
Only goes to penalty	#14315(RC);
Opinions differ as to compliance, not willful	#78-2225;
Pemitting defective equip. to remain in use	#79-369
Permitting overloading of elev. as	#76-72;
Persistent disregard of violation by mgmt.	#78-4423;
Prior OSHA violation as factor	#76-1053(RC);76-5363(RC); 78-50(RC);78-1715
Not required	#78-3825;
Prior OSHA violation not required	#77-387;
Subcontractor following general's orders is not	#78-3494;
Supervisor's acts not imputed	#78-1353(RC);
Supervisory personnel knowingly assumed risk	#77-4471;

VIOLATION (Cont.)	
Willful	
Supervisory personnel not informed of safety requirements	#16029(RC);
Venal motive or reckless disregard not required	#76-1924(RC);
Violation pointed out to R, who ignored	#77-1925;
Where R certifies abated on settlement stip. but not	#78-1420;
Willful act of subordinate est.	#1409;
Zone of danger	#1858(RC);

WAIVER OF HEARING	#2079;
WALKAROUND (See Inspection)	
Credentials	#916;
Failure to take employer rep.	#117;224(RC);503;509;557;559(RC); 1228;2043;5619(RC);12931(RC); 76-2221;78-4989(RC);Western;
Not fatal unless R prejudiced	#1087(RC);12931(RC);76-1104(RC); 79-132;79-464;Accu-Namics; Chicago Bridge;
Prejudiced by	#1087(RC);2007;5619(RC);6902;
Legislative history	#690(RC-Dis);
Mandatory	#76-2221;
Substantial compliance OK unless prejudice shown	#5572(RC);Chicago Bridge;
Only critical for nonstatic viols.	#2007;
Only if practical	#477(RC);2097(RC);
Prohibited by supervisior	#79-5715;
Shall (See Sec. 8(e))	
Subcontractor entitled to	#224;559(RC);
Substantial compliance enough	#690(RC);C, F & I,
Temp. absence of R's rep. from doesn't violate	#78-4672;
Union member may represent R	#76-637(RC);
Violation observed before	Hartwell;Hoffman;
WALSH HEALEY ACT	#76-647(RC);

WARNING	
Yell down elevator shaft as	#471;
WARRANT (See Sec. 1903.4)	
Barlow to be applied retro	Todd II
Contra	#6352(RC);76-1463(RC);78-1529; Savina;
Based on employee complaint	
Limitation on	Marshall v. N.Amer. Car (CCH 23,725);
Former employer	#78-5264(RC);
Common worksite	#15538(RC);
Compulsory process	#78-5775(RC);80-2423(RC);
Consent defined	#79-7165;Milliken;
CO did not explain R could refuse	#78-1269;
Consent fraudulently obtained	#78-661;
Discussed	#78-382
Essentials of affidavit for	CCH 23,995;
Exclusion rule	
Applicable to OSHA	#76-1463(RC);76-4026;80-1308; Savina;
Not prior to Barlow's	#76-1463(RC);78-638;Savina;Todd
Ex parte	#78-5775(RC);80-2069(RC); 80-2423(RC);80-2775(RC);CCH 23,938;
Expiration of	#78-661;
General inspection not limited to specific employee complaint	#79-58;

WARRANT (Cont.)

General inspection	
Pursuant to adm. plan containing specific neutral criteria	#78-5264;Urich;
Incorrect address not fatal	#78-5229;
Multi-employer site	
Who may give	#78-1353;
Need if entry refused	#80-6712;Gibson's
RC cannot review (However,See RC, this heading)	#77-3170(RC);
NIP joint	#76-530(RC);
Not necessary for inspection unless R objects (See CCH 17,020 and 17,937)	#456;2339;2630;Stephenson;
Not necessary for inspection where worksite public	#477(RC);916(RC);76-4636(RC); Bethlehem I
Probable cause for issue	
CO's observations while waiting to be denied entry	#78-4121;
Not that of criminal case	W & W Steel (CCH 23,807)
RC considers only evid. presented magistrate	#78-5264(RC); 78-5775(RC);
Specific complaint as	#78-5264(RC);Urich;
Unsupportable by oath or affirmation	#80-1308;
Required based on probable cause	Gibson's;
RC lacks authority to pass on validity	#78-4195(RC);78-5229;78-5264(RC); 78-5775(RC);81-2102;

WARRANT (Cont.)	
Review Commission should consider Basis for	Quality Products (CCH 23,328);
Challenge to	#77-2788(RC);78-5264(RC); 78-5775 (RC);Babcock& Wilcox;Quality Products (CCH 23,328);Bethlehem III;
Right to demand not explained	#78-3468;
Tolling of service	#78-661;
Wall-to-wall auth. following employee complaint	CCH 23,856;
Who can require, multi-employer worksite	#78-5229;
WARRANTLESS	
No defense that CO did not explain rights to R	#78-987;
WELDING	
Location of device testing for fumes	#78-4580;
WELDING SPACE	
Computation of area	#262;299;
WILLFUL (See Violation)	
WIND	
Discussion of types	#1363;
WITHDRAWAL	
Abatement not clearly shown	#1553(RC);
Attorney misunderstood R's desire	#13191(RC);
By G for inability to prove	#436;
Defined by RC	#251(RC);

WITHDRAWAL (Cont.)

By Union contingent on affirmation of abatement while R's contest still in issue	#3200;
Denied for failure to serve	#551;553;1846;2253(RC);
Elements for	#203;252;269;274;551;647;722; 4651(RC);
Relaxation re future abatement	#467(RC);982;2806(RC);
Form of Judge's decision	#372;548;615;645;710;839;1881;
Penalty not tendered	#1807;
Policy re	#3;11;12;106;551;553;756;798(RC); 1034;
Posting adequate where no employee party	#1902;4651;5430;
Proof necessary to withdraw	#192;193;646;982;2253;3420;
Service	
Necessary on affected employees	#3420(RC);
Not shown	#647;1846;2253;2547;3420;
Posting adequate if employees not party	#1902;4651(RC);
SOL's can be objected to by Union	#76-4761(RC);
Stipulation denying violation	#54;756;798(RC);1034;1846;
Union can take over prosecution	#76-4761(RC);
Union must be notified	#2069(RC);
But they cannot prevent	#10340(overruled);

WITNESS

Adding new witness	
Judge may refuse to add	#4533(RC);
Authority of Judge to call	#935;2271;2920;
Available	
Failure to call	#1955;3491;5288;
Comment re	
Credibility	#19;
Demeanor	#14;78-5444;79-5379;
Testimony	#299;914;
Conflicting	
Credibility determination re	#12597(RC);
Credibility for trial judge	#673(RC);5467(RC);79-1431;
Discussed	#78-4423;79-1431;
RC will normally not disturb	#6688(RC);12597(RC);13348(RC); 15414(RC);76-431(RC);76-2414(RC); USS;
Contra	#78-5920(RC);
Reasons for are required	#13685(RC);16162(RC);
Cross-examination	
SOL's file opened to R for purpose of	#6804(RC);
Discharged employee as	#3931;
Employer & employees ent. to consid. weight	#76-5242;
Establish industry practice	
Not by federal employee but industry employee	B & B

WITNESS (Cont.)	
Examination of	
To show alternative safety means	#2864;
Expert	
But not qualified re results of air contaminants on humans	#2311;
Failure to produce one who examined	#78-773;
Former OSHA official as	#3035;
Govt. employee called by R	#10757(RC);
Nongovernment if good cause shown	#4385(RC);
SOL must present	Cape & Vineyard;
SOL's permitted after R's if no prejudice	#19609(RC);
Testimony	
Need not be accepted	USS;Greyhound;
Expertise limited	#1916;9809(RC);
Failure to call (See available, this title)	
Inference re	#3486;3710;77-3267;
Government employee as	#10757;
Immunity for	#1968;76-1484(RC);
Interest in outcome	#1320;
Layman's opinion may be admissable	#9809(RC);9879(RC);

WITNESS (Cont.)	
Not worthy of belief	#79-685;79-4135;
Prehearing list, not on Permitted within discretion of ALJ where surprise did not prejudice	Southern Colo.
Reason for rejecting testimony	#77-3204;79-4614;
Rebuttal by After remaining in courtroom	#1919;
Refusal to testify Action by Judge	#893;
Reoffer of prev. test.	#76-3721;
Respondent's employee	#1320;
Respondent's unavailable he must attempt to locate	#12940;
Self-incrimination of	#803;
SOL must present experts	Cape & Vineyard;
Statements of Available to R at option of ALJ	#76-1484(RC);78-1907;
Failure to order production of	#12569(RC);
Testimony not taken at face value	#1320;
Unlisted may be refused in discretion of Judge	#14484;
WORDS	
As commonly understood	#549;

WORDS (Cont.)
- Distinction between #1;
- Meaning of #945;77-1950;
  - Look to intent of drafters #10757(RC);
  - Within production industry #967(RC);
- Terms of std. not words in pleading #15690(RC);
- Use #1445

WORDS AND PHRASES (See separate section at end of the alphabetical sections)

WORKPLACE
- Control of not essential #3029;
- Defined (Leg. Hist., page 348) #396;433;511;589;1324;1515;2701;
- Includes public places (See Roadside) #2700(RC);Clarkson;
- Maintained in safe condition
  - Hazard cannot be potential #3391;
- Not where work suspended #396;678;
- Roadside in emergency condition #3665;Clarkson;
- Safe
  - Employer must give helper to insure #406;1953;
  - Even if debris not his #690;
  - Even if employer doesn't own #14;1375;1953;
  - Even if workplace of other #301;1953;

WORKPLACE (Cont.)
- Truck as — #98;433;1324;1515;7673(RC);
  - Used as employee transportation — #7673(RC);
- What is
  - Area where employees worked — #3180;

WORKRULE
- Avoid unsafe area not — #12354(RC);
- Defined — #12354(RC);14193(RC);77-1116;77-2331;77-3133;80-7081;
- Failure to follow — #3069(RC);
- Inadequate to protect against standard — #76-1296(RC);
- Multiple violations show not enforced — #13390(RC);
- Must be enforced — #76-1393(RC);76-4844(RC);77-2115(RC);77-4139;78-6265(RC);79-2984;79-6128;80-5153;80-6166;80-6325;80-6344;
- Must be equivalent of standard — #11015;76-4842;
- Must be more than advisory — #16096(RC);
- Must be specific for violation of to be attributable to employee misconduct — #15841(RC);
- Oral — #79-5073;
- Shown R's knowledge — #78-29(RC);
- Violation of enforced is defense — #76-2643;

WORDS AND PHRASES

A

Above (1926.700(b)(2))	#2414(RC)
Adequate means of exit discussed (1926.652(h))	#8766
Adequate ventilation (1910.107(d)(2))	#6606(RC)
Adjacent to	
Includes crossing section (1926.652(e))	#3543(RC)
Adjacent to a section defined (1918.43)	#1
Aerial lift defined (1926.556(b)(2)(v))	#76-119(RC)
Air trigger	#76-891(RC);
Amines	#80-1943;
And (1926.28(a);55(a))	
Construction of	#1399(RC);77-2202;78-6001;
And at other times	
Too indefinite for the complaint	#678;
Angle of repose (1926.651(h) and 653)	
Defined	#33;2507
How determined	#15094(RC);79-914;
Potential for soil slide negates	#15094(RC);
To bottom of trench and not 5' level	#1871
Contra	#78-2257;
Anthrax	#76-596(RC);

WORDS AND PHRASES (Cont.)

Appropriate standard (1910.212(a)(3)(ii)	#76-1656(RC);
Argyria	#77-1811(RC);
Asbestos	#11756(RC);13732(RC);77-2039(RC); 78-741(RC);78-2419(RC); 78-4723(RC); 79-2969;79-4080(RC);79-6918(RC); 80-2146;80-2196;81-241;81-246;
As frequently as necessary (1926.800(c)(1)(i))	#13864(RC);79-4517;
As they occur (1926.51(c))	
Not applicable to conditions due to weather	Dravo
At defined (1910.107(g)(7))	#3639;

B

Bag Houses	#80-4340;
Bank defined (1926.652(a))	#1053(RC);80-7048;
Barge	#15757(RC);79-5493;
Barricade (1926.500(d)(1))	
Employee as	#2684(RC);15757(RC);
Manufactured material not if such function only incidental	#392
Rope or cable as (1926.500(f))	#690
Temporary	
May meet standard requiring	#441;688;1584;
Removal of	#610;1207

WORDS AND PHRASES (Cont.)

Barrier (1926.550(a)(15))	
Electric insulation not	#3248;
Beam Dinker	#78-5920(RC);
Blasting consists of	#133;
Blast furnaces	#80-927;
Bolting	#12525(RC);
Building Official (1910.22(d))	
A government official is	#76-2992;
Burners	#79-1615;

C

Cable defined (1926.603(a)(8))	#12767(RC);
Part of crane (1926.550(a)(15)(i))	#832;1128;
Cage (1926.800(m)(8)	#80-762;
Carbon Monoxide	#76-190(RC);80-927;
Cargo includes containers (1918.32(b))	#15242(RC)
Caster (1926.451(e))	
Wheel is substitute for	#76-2748(RC)
Chemical plant discussed (1910.106(h)(8)(i))	#11238;
Christmas tree technique (steel erection)	#80-2911;
Clean defined (1910.22(a)(1))	#15952;78-2041(RC);

WORDS AND PHRASES (Cont.)

Combustible dust defined	#78-4066;
Compelling public interest discussed	#78-2862(RC);
Competent person (1926.850(a)) To make engineering survey, defined	#388;
Confined space (1926.350(b)(4)) 1915.2(m)	#7290;79-6614; #76-1201(RC); 77-1807(RC);
Construction manager	#5064(RC);
Container defined (1910.212(a)(4))	#76-1435;
Contumacious conduct	#79-5649(RC);79-6850(RC);80-75(RC); 80-999(RC);80-2234(RC);80-3347(RC); 80-5986;80-6008(RC);
Cotton dust (Raw) Total dust including noncotton	#12597(RC);
Cotton ginning Agricultural activity	#1671;
Could vs. would (Sec. 17(k) of Act)	Hermitage
Crane defined (1926.550(a)(a))	#76-4094(RC);80-5810;81-920;
Crew member defined (Sec. 4(b) of Act) purpose	#10820;
Critical (1910.179(1)(3)(iii)(c)) Means to safe operation of crane	#78-2474;
Curtained welding space (1910.252(f)(2))	#262;

WORDS AND PHRASES (Cont.)

D

Dangerous equipment defined (1926.500(d)(5))	#76-914;
Dead load defined (1926.104(b))	#14907(RC);
Dead man control	#79-3295;80-4193S;80-4398; 80-5614;
Debris (1926.25(b))	
Defined	#6145;13832(RC);76-1567(RC); 76-4371(RC);
Discussed	#76-2326(RC);
Does not include collected pile	#413;
Natural on construction site	#1127;
Not R's but endangering his employees	#690;
Defective discussed (1926.251(a)(1))	#78-523;
Defective hook defined (1926.251(a)(1))	#1128;
Defective rigging equipment (1926.251(a)(1))	Austin Commerical (7 OSHC 2119)
De Minimis (See)	
Designate (1926.550(a)(5))	
What is required to satisfy	Gerosa;
Disfigurement	#77-1811(RC);
Drilling rig	#80-496;80-2827;81-770;

WORDS AND PHRASES (Cont.)

Drowning	#78-6265(RC);
Dunnage defined (1918.43(e))	#5;

E

Edge defined (1918.21(b))	#1531;
Electrical transmission lines defined (1926.400(b))	#207(RC);
Elevators	#76-4507(RC);79-4090;
Enclosed vs. contained space (1915.31(b)(1))	#79-1021;
Engineering survey defined (1926.850(a))	#388;
Who can make	#388;
Equivalent (1926.500(d)(1); 451(a)(5) and (13))	#4537(RC);12200(RC);13646(RC); 76-3944(RC);
Protection (1926.451(d)(10))	#16193(RC);79-2176;
Safety line not barrier (1926.500(d)(1))	#13569(RC);16218(RC);
Standard railing is physical structure (1926.500(d)(1))	#4537(RC);13140(RC);
Equivalent safe access defined (1926.451(a)(13))	#5574;
Scaffold frame as	#76-1819;
Except that which is in use (1916.51(a))	
Affirmative defense to	#13155;

WORDS AND PHRASES (Cont.)

Excessive, not vague (1910.22(a)(2))	#11764(RC);
Excessive concentration (1910.1001(h)(i))	#76-2025;
Excessive dust (1910.22(a)(1)) Foot track method not accepted to establish	#78-6177;
Exercising authority Other Federal agency (See Sec. 4(b) of the Act) When	#738(RC);15920;76-1182;
Exit (1910.36(b)(1))	#76-1036(RC);
Exit discharge, sliding door as (1910.36 (b)(4))	#11118(RC);
Explosives	#79-5324;
Expressio Unius Est Exculsio Alterius	#76-3444(RC);79-310(RC);
Extraordinary circumstances defined (Sec. 11 of Act)	Keystone; Bethlehem III;

F

Failure to provide does not include failure to use (1910.94(d)(9)(v) and 133(a)(1))	#3443(RC);
Fire exit locked (1910.37(b)(3))	#497;
Flattened defined (1926.651(h))	#10929(RC);
Flotation device (1910.132(a))	#78-6265(RC);
Fluorides	#77-1807(RC);
Freeboard	#79-4300;

WORDS AND PHRASES (Cont.)

Frequent monitoring	#76-190(RC);
Frozen ground, effect on trenching (1926.651(c) and 652(b))	#2330;2506;

G

General Duty (See)	
Geronimo Lines	#80-2984;
Grain dust (Sec. 5(a)(1));1910.1000(c) and (e))	#79-4549;
Grounding (1910.314(d)(4)(iii))	
Portable tool adoptor furnished	#298(RC);
Guard defined (1910.212(a)(1);213(h)(1); 265(e)(4)(ii);1926.500(d)(1))	#725;1191;1228;80-7140S; 78-3491(RC);80-496;80-2827;
Experience no substitute for	#1900;
Jig not (1910.213(m)(1))	#1263(RC);77-3770;
Required only where means exist (1910.212(a)(3)(ii))	Diebold
Guard rails	
Flat roofs under 5(a)(1)	#15681(RC);Schriber;
Not under 5(a)(1)	#79-5275;
Height of on personnel lift box	#3235(RC);
Metal banding as (1926.500(d)(1))	#8254;
Must be installed after deck is in	#4870;

WORDS AND PHRASES (Cont.)

H

Hazard of environment defined (1910.132(a))	#391;
Hazard defined (1910.132(a) and 212(a)(1))	#995;3066;
Term not vague (1926.28(a))	#6415(RC);
Headache ball, part of hook (1926.550(b)(2))	#3561;15538(RC)
Hoisting device (1926.251(a)(1))	
Rachet used as	#78-523;
Histosplasmosis	#77-3041(RC);
Hole in floor (1926.500(b) and (c))	
Distinguished from wall opening	#688;1225;
Housekeeping (1910.22(a)(1))	#79-2509;80-5309;
Temp. disarrary due to alterations	#2358;
Hot Pocket	#80-151;
Hydrogen cyanide	#78-31(RC);
Hydrogen sulfide	#78-2621;

I

Immediately defined (1903.16(a))	#3226(RC);
Impractical (1926.105(a))	
Ambiguous term	#15855;76-2258(RC);Bounds; So. Contractors Ser.
Improvement of (1926.950(a)(1))	
Discussed	#76-2044(RC);

WORDS AND PHRASES (Cont.)

Independent contractor	
Criteria to establish	#14801(RC);76-1408(RC);
In storage (1910.252(a)(2)(iv)(c)) (1910.350(y))	#2414;15757(RC);
In use discussed (1916.42(a)(3))	#1281;
Ineffectiveness meaningless	CTM
Inexcusable neglect	#78-5954(RC);
Injury or disease	
Probability of	#5;1833;
Must be reasonable	#2116;
Severity of	#6;
Measured by experience & expertise	#124(RC);
Inspection as used in standard (1926.251(a)(1))	
What constitutes of equipment used	#78-523;
Insulation (1926.550(a)(15))	
On electric wire not barrier	#3248;
Insured	#79-5933;
Iron Oxide	#81-231;

J

Jig not a guard (1910.213(m)(1))	#77-3770;

K

Kelly bushing	#80-496;80-770;80-2827;

WORDS AND PHRASES (Cont.)

L

Lavatory means washbasin (1910.141(d)(2))	#392;
Lead	#79-5762(RC);80-119; 80-5983;
Length	#76-256(RC);
Light curtain	#79-4267;
Likely (General Duty)	#78-216;
Live line work defined	#77-3127;
Live load defined (1926.104(b))	#14907(RC);
Load defined (1926.550(d)(4))	#4809(RC);
Carrying capacity of crane determined by empirical evidence	#78-3155;
Includes dangling hose (1926.550(a)(15)(i))	#15388;
Load line is part of crane (1926.550(a)(15)(i))	#1128;
Lockout discussed (1910.261(b)(4))	#1815;
Lockout system(5(a)(1))	#78-5927;
(1910.318(a)(3(iii))	#79-6331;
Low enough defined (1819.21(b))	#1531;
Lowest feasible level critessen	#79-4005;

WORDS PHRASES (Cont.)

M

Maintained defined (1910.157(a)(1))	#15548(RC);
Mechanic defined	#9627(RC);
Melt Shop	#79-2600(RC);
Mercury	#81-407;
Methylenebic (MOCA)	#79-4005;
Milling discussed (Section 4(b) of Act)	#683;
Minimum explosion concentration (MEC)	#79-2509;
Modify defined (Section 10(c) of Act)	#221(RC);
Monkey	#79-4612;
More likely than not	#78-4723(RC);
Moving ground discussed (1926.651(c))	#2507;8684;79-460;
Equivalent to unstable or soft (1926.652(b))	#4395(RC);15230
Multistoried building (1926.500(d)(1))	
2 story house not	#76-404(RC);

N

Natural Gas	#80-6015;
Near defined (1926.106(a))	#8425(RC);

WORDS AND PHRASES (Cont.)

Near proximity (1910.151(b))	
Not vague	Santa Fe
10 blocks as	#1263;
5 1/2 miles as	#1541;
Neat and workmanlike defined (1910.310(e))	#258
Nitrogen dioxide	#80-2767;
"No hands in die" presses	#76-3270(RC);
Normal operating conditions defined (1910.179(f)(6)(i))	#13708(RC)
Maintenance not included (1910.179(g)(2))	#10825(RC);13320(RC);13477(RC); Bethlehem;

O

Observer for backing vehicle (1926.601(b)(4))	#133;79-5655;
Obstructed view	#79-6730;
Off highway trucks (1926.601(a)(b)(7) & (8))	#15715;76-4105(RC);
On (1910.23(c)(3))	#79-1388;
Open (1926.451(d)(10))	#13538(RC);
Opening (1916.43(b))	
Large vs. small	#77-2762;
Open-sided floor (1926.500(d)(1))	
Top of elevator not	#13140(RC);

WORDS AND PHRASES (Cont.)

Open-sided scaffold (1926.451(d)(10))	#16193(RC);
Open wiring (1926.400(a))	#2097(RC);
Or discussed (1926.28(a))	#15855(RC);15690(RC);
(10(c) of Act)	#79-191;
Or otherwise protect means (1926.550(a)(9))	#3235(RC);
Other means (1926.400(c)(1))	
What are	#532(RC);

P

Partition (1910.141(c)(2)(i))	
Lack of toilet is de minimis	#123;
Permitted defined	#3025;
Employer's acts negating (1926.400(c)(1))	#207;
Permitting (1915.11(c)(1)(ii))	
Definition includes "failing to permit"	#76-1408(RC);
Pervasively regulated industry	
Walsh-Healy contractor not	#78-661;
Pick (1926.451(i)(11))	#80-268;
Pier hole (1926.800(h)(3))	#77-383(RC);
Pipe chasing	#80-6166;
Pigtail	#81-1975;
Pit (1910.22(c))	
For vehicle maintenance as	#78-2739;Greyhound;
Physical exams (1910.1001(j))	#80-2196;

WORDS AND PHRASES (Cont.)

Plain-view	
Violation must be in, and not just machine	#78-661;
Platform defined (1910.23(c)(1))	#77-4313(RC);
(1910.252(e)(1)(i))	#79-2963;
Point of Operation (1910.213(a)(3)(ii))	#16200(RC);12501(RC);78-5920(RC); #76-1656(RC); 77-893(RC);77-4476(RC);
(1910.217(a)(5))	#77-894(RC)
(1910.217(d)(9))	#77-2616(RC);80-3235;
Positively secured (1926.550(f)(1)(iv))	#76-1567(RC);
Power line	
Method of calculating 10' (1926.550(a)(15)(i))	#832;
Transmission line defined (1926.400(b))	#207(RC);
Power press (1910.212(a)(1))	#11228(RC);80-234;
Shear machine not (1910.217(c)(2))	#1067(RC);
Practice (Section 17(k))	
Rare and isolated instances not	#85;
Precedential value of an unreviewed judge's decision	#78-4195(RC);79-949(RC);
Preemption	#78-5805(RC);
Presently in effect, defined	#1096;1102;1130;
Press brake (1910.212(a)(3)(ii))	
Presents no hazard	#9352;12470(RC);16200(RC);79-4921; 79-6090;
Prevent defined (1910.212(a)(2))	#9758;

WORDS AND PHRASES (Cont.)

Probability	#919;
Process defined (1910.132(a))	#391;594(RC);
Provide (1926.451(a)(13);1926.403(a)(5); 1926.28(a);1926.105(a); 1910.133(a)(1);1926.102(a)(1))	#258(RC);13615;14516(RC); 76-814(RC);76-4169;77-2395; 77-3529;79-1263;Kennecott

Q

Qualified person defined	#12459;

R

Readily accessible defined (1910.141(c)(1)(ii))	#639;3543(RC);
Reasonable diligence	#237;319;594;1264;1299;1405;1671; 1888;1930;2576;2578(RC);
Reasonable probability defined	#1603;
Reasonable safety	#76-2040;
Reasonably available 5 minutes away is (1926.50(c))	#15523(RC);
Regular intervals (1926.25(b))	#76-3901;
Removed from service (1926.401(a))	#433;
Repair defined (1910.145(f)(1)(i))	#155;76-1308;
Reportable events	#80-3985;
Responsible means (1910.242(a))	#355(RC);

WORDS AND PHRASES (Cont.)

Rope	
Sisal not equal to manila (1918.43(e))	#642(RC);
Routinely defined (1910.24(b))	#513(RC);
Rubbish	
Usable material not (1926.252(c)(1))	#810;
Runway (1926.500(d)(2))	#14300(RC);
Distinguished from platform (1910.23(c)(1))	#1410(RC);
Special purpose, petroleum (1910.23(c)(2))	#3544;5326;
Rupture (1910.94(d)(10))	#78-31(RC);

S

Safe (1916.41(a)(5))	#76-3444(RC);
Safe clearance (1910.22(b)(1))	#78-257;
Safe distance defined 1910.178(m)(6) & 1926.602(c)(1)(vi))	#2938;
Saprolite	#76-256(RC);
Securely rigged lines (1926.451(i)(8))	#77-2100(RC);
Self-closing door tied open (1910.37(b)(3))	#497;
Separation (1926.651(m))	
Unclear	#344;
Serious physical harm defined	#401;585;
Burns constitute	#77-3575;

WORDS AND PHRASES (Cont.)

Service stations	#79-3817;
Shall	
And should discussed	#213;1572;10825(RC);76-2938(RC); 76-4636;77-3177;78-3229;78-5998 (RC);Pittsburgh;Anaconda; Kennecott;
Should in standard makes advisory	#2565;7606(RC);12715(RC); 13010(RC);76-406(RC);78-5010; Pittsburgh
Shall defined (1926.451(u)(1))	#211(RC)
In ANSI	#1572;3367(RC);10825(RC); 10849(RC);76-2982(RC);80-927;
In standard	#3367(RC);
Meaning of Sec. 8(c)	#801(RC);
8(e)	#224(RC);
8(f)(1)	#2128;
9(a)	#2123;
Shall be allowed (1910.178(m)(2))	
Connotes permission by R	#419;
Shall be barricaded (1926.550(a)(9))	
Means a physical barrier	#5692(RC);
Shall be required (1910.133(a)(1))	
More than purchase required	#513;
Sharp (1910.184(c)(7))	#78-2365;
Shoring (1926.652)	
How to	#3469;79-914;

WORDS AND PHRASES (Cont.)	
Shoring (1926.652) (Cont.)	
Nonhomogenous earth	#76-1228(RC);
Public convenience no defense to lack of	#14946;
Required where trench 5' or more if soft soil significant	#76-1924(RC);
Tree roots as compliance	#3347;
Should (See Shall)	
Single entity	#77-3909(RC);
Skylight openings (1926.500(b)(4))	#80-5724;
Special attention (1926.651(j))	#80-2911;
Spider basket	#79-4612;
Spray room defined (1910.94(c)(2))	#13955(RC);76-2400(RC);77-1133(RC);
Outside	#78-2665;
Steel erection	
What constitutes	#13875(RC);
Steel skeleton structure	
Not building framework (1926.750)	#12720;
Sterilization	#79-5762(RC);
Stilts	#80-1740S;
Stoddard solvent not hazard (1910.132(a))	#79(RC);

WORDS AND PHRASES (Cont.)

Stored defined (1910.109(c)(1);1926.153(j); 350(j);250(b)(1);651(i)(1))	#1323(RC);13029(RC);13615; 13638;14157(RC);76-2623(RC); Dic-Underhill;
1926.904(b)	#14884(RC);
Stowed includes deck storage (1918.32(b))	#15242(RC); 78-1353(RC);
Structure	
Does not include machine tool (1910.309(a)-400-4)	#76-940;
Subject defined (1910.95(b))	#77-1221;
Suitable facilities (1910.151(c))	
Eye wash	#2231;76-2400(RC);
Swabbing	#77-1334(RC);
Swing	#15046(RC);

T

Temporary floor defined (1926.28(a))	#6133;80-5547;
Unwelded steel sheets on roof not (1926.105)	#980;
(1926.500(b))	#76-181(RC);
Temporary labor camp (1910.142)	#14502;79-5715;80-917;
Motel as	#14096;
Single house is	#14303(RC);
That point defined (1910.213(r)(3))	#76-2419(RC);
Thorough inspection defined	#6971;

WORDS AND PHRASES (Cont.)

Tiered building defined (1926.750(b)(1)(ii))	#9850;12525(RC);76-4507(RC);
Loft building not	#7734(RC);
Net feasible	#76-1801(RC);
One storied building not	#76-628(RC);
Open bay building not	#78-467;
Ore crusher not	#12618(RC);
Temporary floor practical in	#12618(RC);
Tire assembly machines	#16188(RC);
To work (1926.105(a))	#2414(RC);
Trained (1926.302(e)(1))	#77-4310;
Transformer	#79-5933;
Tunnel (1926, subpart S)	
Defined to include cavity (1926.800(c)(2)(v))	#4892(RC);79-4517;80-762;80-2763;
Standards applicable to, apply to any work done within	#76-3100;

U

Unattended	
As applied to motor vehicle (1910.178(m)(5))	#569;1009;1588;2407;
Under the load defined (1926.650(h))	#323;549;1296;

WORDS AND PHRASES (Cont.)

Unsafe condition (1926.800)	#378;
Unstable earth (1926.652(b))	#2060;
Up defined (1910.252(a)(2)(v)(c)(1)) (See Valve end up)	#199;
Use defined (1926.601(b)(4))	#1445(RC);
Used (1910.132(a))	#76-1053(RC);78-1443(RC);78-4850 (RC);78-5577(RC);78-6247(RC); 79-4478(RC);79-6736;
1926.400(c)(2)	#78-5450(RC);

V

Valve end up (1910.252(a)(v)(c)(1))	
No special meaning	#199;
Upright	#215(RC);
Vessel defined (1916)	#13799;
Vicinity defined (1915.84(c)(4))	#87;12534;
Visibily unsafe defined (1918.51(b))	#1744;

W

Walkway (1926.651(w))	#10677(RC);14300(RC);
Warning Lights	#79-1615;
Well secured and balanced (1910.179(n))	#80-3798;

WORDS AND PHRASES (Cont.)

Wherever practical defined (1910.252)	#1576;
Whalers	#79-1296(RC);
Wheelabrator	#78-1384(RC);
Wipe sample	#79-261(RC);
Without prejudice Dismissal is unless document states otherwise	#78-5704;
Work defined (1926.700(b)(2); 1926.556(b)(2)(v))	#14505(RC);15769(RC); 79-4347(RC);
Working conditions defined Includes surroundings and hazards incident to work	#14291(RC);Southern RR So.Pac.Trans.
Working day defined	#524;
Workmanlike manner defined (1910.310(e))	#258;
Does not preclude temporary hanging light	#258;

STANDARDS

29 CFR 1903.2(a)[Posting OSHA poster]	#60;237;;306;354;392;398;412;480;549;575;604;634;665;678;690;700;732;748;801;837;853;988;991;1004;1086;1097;1111;1207;1348;1430;1445;1605;1654;1690;1740;1741;1811(RC);1886;2007;2031;2087;2272;2391;2426;2446;2535;2637;2782;3068;3186;3223;3287;3329;3808;3900;3948;4220;4387;4598;4681;4792;4808;5008;5222;5487;5816;5832;5857;5960(RC);6088;6901;7208;7533;7992;8387;9342;9662;9806(RC);10331;10556;10698;10920;11092(RC);11050;12496;12577;78-1103(RC);79-2379;79-3685;79-3304;79-3817;79-6635;80-917;80-1987S;80-1987S;80-1636;80-2474;80-2850;80-2952;80-2974;80-6325;80-7048;80-7140S;81-206;81-1015;
Distant construction site	#14523(RC);76-2748(RC);76-4905 (RC);78-4960;80-457;80-4107;80-4979;
Each plant must receive notice	#829(RC);
Penalty for required	#78-4565;
1903.3(a)	#80-1636;
1903.4(d)[Warrant]	
Discussed	W & W Steel Co. (CCH 23,807)
Exparte	#78-5775(RC);80-2069(RC);80-2423(RC);80-2775(RC);
Properly promulgated	W & W Steel Co. (CCH 23,807)
1903.5[Entry not a waiver]	#247;
1903.7(e)[Closing conference]	#12212(RC);
1903.11[Employee complaint]	#2128;
1903.16[Posting citation]	#306;354;491;719;725;1001;1078;1605;1654;2091;2255;3001;3287;3288(RC);4034;4049;4250;4703;6349;9090;10343;11543;13389;77-313(RC)

STANDARDS (Cont.)	
29 CFR 1903.16 (Cont.)	
Immediately defined	#3226(RC)
Cit. subsequently dismissed	#77-4267;
1903.16(b)[Duration of posting]	#6901;
1903.17(a)[Contests before RC]	#1625;3543(RC);
1903.18(a)[Failure to abate]	#1539;
1903.19[Informal conference] Who may conduct	#77-3338;
1903.21(a)[Computation of time]	#76-2165(RC);
29 CFR 1904[Supplemental record of injuries]	#146;158;237;258;292;316;412;738;988;1605;1654;2930;
Req. to be kept only after acc.	#298;
1904.1[Purpose & scope]	#612;
1904.2[Injury log][See Form 100]	#158;237;258;316;392;516;549;575;604;612;634;665;690;700;738;748;837;853;919;937;988;1001;1004;1086;1097;1111;1184(RC);1348;1430;1578;1605;1654;1690;1883;1886;2004(RC);2096;2185;2272;2391;2446;2684;2719;2930;3068;3288(RC);3329;3900;4115;4220;4387(RC);4800;5134;5627;5832;6088;6790(RC);7208;7992;8990;9806(RC);10698;11048;12298(RC);12496;12577;76-4905(RC);76-5033(RC);78-1865;78-3161;79-2379;79-6611;79-6635;80-3495(RC);80-3985;81-21;81-560;
Establishment	
Trench const. going on two years is	#76-2444;

STANDARDS (Cont.)

29 CFR 1904.2 (Cont.)

Log at main office of const. firm complies	#12485(RC);
Maintain at each est. except when widely dispersed	#13380(RC);
Req. to be kept only after acc.	#298;
Workmen's Comp. form doesn't sat.	#3090;
1904.3[Period covered]	#316;
1904.4(a)[Supplementary record]	#392;665;837;1097;1111;2031;2272; 2487;2665;2719;4800;9806(RC); 12496;14090;79-6635;
1904.5[Annual summary]	#612;665;719;738;837;937;988; 1097;1338(RC);1605;1654;2096; 2446;2535;2679;3068;3186;3329; 4115;4220;4387(RC);5487;7208; 7992;10698;76-4905(RC);77-1999; 78-1202;79-1263;79-2215;
Penalty when only technical	#78-3532;
Workmen's Comp. Form doesn't satisfy	#3090;
.5(b)	#612;937;2391;
.5(c)(1)	#368;76-190(RC);78-2923(RC);
.5(c)(2)	#78-1490;80-2760;80-5810;
.5(d)	#247(RC);700;2487;2719;3020; 12577;76-1703;78-1202;79-2215;
Penalty for	#2571(RC);
1904.6[Retention of records]	#78-4672;79-1213;

STANDARDS (Cont.)

29 CFR 1904.7[Access to records] Not vague	Buckeye
1904.8[Fatality report]	#16;436;650;789;1015(RC);1799;1873;4800;5157;7936;8387;9088;9147;10478;76-4905(RC);80-1866;81-1812;81-1977;
When time limit begins to run	#15958(RC);
.8(c)(1)	#158;1605;1654;
1904.9[Falsification or failure to keep records]	#510;
1904.12(g)[Establishment defined]	#612;
29 CFR 1910[General Industry Standard] Not all mandatory	#10825(RC);

Subpart A[General]

1910.5(c)(2)[Applicability of standard]	#3257(RC);3725(RC);
1910.10(b)	#80-4873;
1910.11[Scope and Purpose]	#14818(RC);77-805(RC);

Subpart B[Adoption of Standards]

1910.12[Construction work]	#1307(RC);1324(RC);1689;
.12(b)[Definitions]	#4725(RC);76-2165(RC);76-3581(RC);77-3127;78-6265(RC);
1910.13[Ship repair]	#1248;

STANDARDS (Cont.)

29 CFR 1910.13(a)[Adoption of standards for]	#6(RC);77-805(RC);
1910.14(a)[Adoption of standards for shipbldg.]	#6(RC);251(RC);
.14(b)[Related employment]	#14818(RC);
.14(b)(3)[Ship building]	#14818(RC);
1910.16[Longshoring]	#18(RC);
1910.20(d)[Avail. of records]	#80-2;
.20(e)(1)(i)[Written consent]	#80-7116;

Subpart D [Walking-Working Surfaces]

1910.21(a)(1)[Floor hole defined]	#583(RC);79-5420;
.21(a)(4)[Platform]	#76-2879(RC);79-5002;
.21(a)(5)[Runway]	#76-4940(RC);
.21(b)(2)[Nosing defined]	#4078(RC);
.21(b)(6)[Riser defined]	#1264(RC);
.21(f)(27)	#367;13874(RC);76-2332(RC);
1910.22[General requirements]	#61(RC);123(RC);187;
.22(a)[Housekeeping]	#227;237(RC);258(RC);414;434(RC); 583(RC);1575;1671;3223;4827;
Minor	#171(RC);

STANDARDS (Cont.)

29 CFR 1910.22(a)(1)[Clean and orderly]	#60;61(RC);91(RC);130(RC);137;241(RC);299(RC);392(RC);442(RC);499;510(RC);605;683(RC);700(RC);752;764;793(RC);1125;1183(RC);1228;1305(RC);1341(RC);1344;1506;1694(RC);1928;1951;2332;2340;2453;2651;2739(RC);3288;3393;3443(RC);3813;3990;4235;4237(RC);5026;5222(RC);5249(RC);5426;6088;8221(RC);9178;9895;10096(RC);10228;10331;11048;11742(RC);12459;12534;12840;13141;13401(RC);76-1036(RC);76-5344(RC);77-2338;77-2788;77-2876;77-3050;78-1715;78-2041(RC);78-2128;78-2163;78-4195;78-4482;78-5010;78-5289;79-2509;79-2510;79-3316;79-3320;79-4194;79-5572;79-5573;80-3545S;80-4340;80-5309;81-1530;
Applicability	#77-226;
Clean defined	#15952;
Debris must be unreasonable amount	#77-1289;
Dust explosion not covered by	#78-6171;
Large area	#77-3402
Material at side of aisle	#77-4192;
Not for materials nec. to do job	#13507(RC);
Not vague	#946(RC);
Performance standard	#78-2128;
Temporary disarray due to alterations	#2358;

STANDARDS (Cont.)

29 CFR 1910.22(a)(2)[Condition of floors]	#227;299(RC);414;961(RC);1012(RC);1671;1716;1936;2358;3393;3443(RC);8862(RC);10270;10978;13401(RC);15009;77-1713;77-3402;78-977;79-2510;79-5324;79-6223;
"Excessive" not vague	#11764(RC);
.22(a)(3)[Floor free of nails, etc.]	#299(RC);510(RC);961(RC);2577;4237(RC);13591(RC);
.22(b)(1)[Aisles-See 1910.176(a)]	#48(RC);130(RC);137;450(RC);594(RC);665(RC);752;961(RC);1305(RC);1341(RC);1686;1694(RC);1951;2096;2597;3682;4212;4237(RC);4827;5104;6286(RC);7674(RC);7987(RC);8862(RC);12496;77-3402;79-1209;79-1544;79-2249;80-6601;
Safe clearance	#13401(RC);78-257;
.22(b)(2) [Aisles marked]	#191(RC);227;700(RC);764;1012(RC);1183(RC);2529;3288(RC);3329;3777;4237(RC);4827;5873(RC);6286(RC);10096(RC);79-3320;80-2843;
.22(c)[Pits guarded]	#1242;1318(RC);1547;2272(RC);3685(RC);3777;8228(RC);12035(RC);76-942;77-617(RC);77-2876;78-982;78-1504(RC);78-1977;78-2163;78-5192;79-6383;80-2974; 80-3495(RC);80-6490;Lee Way;Ranscom;
Applies to industry generally	#1105(RC);
Not vague	#76-2334(RC);
"Open pit" Is unless guarded	#10889(RC);12063(RC);78-2739(RC);
Origin of	Greyhound;

STANDARDS (Cont.)

29 CFR 1910.22(d)(1)[Floor load signs]	#961(RC);1183(RC);1506;1686; 3375;8377;11109;77-3432; 80-7140S;
Does not apply to platform	#16122;
Must establish ownership or agency	#10699(RC);
Not enforceable	#8960;
Only applies if there is a gov't. "building official"	#76-2992;
Vague	#6316;
1910.23(a)(1)[Floor openings]	#583(RC);1516;
Holes to receive debris	#78-4510;
.23(a)(2)[Ladderway openings]	#13401(RC);76-4636;78-1710;
.23(a)(3)[Hatchway & chute opening]	#3839; 77-3974(RC);78-1710;Greyhound;
.23(a)(5)[Pit & trapdoor opening]	#476;608;1045(RC);1191;1883;10228; 77-3221; 77-3974(RC);
.23(a)(7)[Temp. floor opening]	#299;509(RC);513(RC);77-2788; 79-4505;80-2273;
.23(a)(8)[Holes into which can walk]	#299;456(RC);520(RC);583(RC);1897; 3685(RC);3777;7606(RC);13417; 79-1277(RC);79-1658;79-3817; 79-6223;80-6601;
.23(a)(8)(ii)	#77-2788;
.23(a)(9)[Floor hole due to machine]	#3777;

STANDARDS (Cont.)

29 CFR 1910.23(b)[Wall opening]	#450(RC);683(RC);752;3490;
.23(b)(1)(i)[Type of barrier]	#11048;76-3506(RC); 81-1988S;
.23(b)(2)[Chute wall opening]	#594;3777;4144;
.23(b)(3)[Window wall opening]	#1183;
.23(c)(1)[Platform railing]	#48(RC);84;158;251(RC);258(RC);329(RC);367;396;450(RC);508;587(RC);665(RC);668(RC);683(RC);764;793(RC);1039;1208(RC);1231(RC);1285(RC);1506;1516;1686;1716;1758(RC);1987(RC);2004(RC);2179;2279(RC);2535;2568;2887;3288;3777;4415(RC);7606(RC);8285(RC);8907;8927(RC);11167(RC);76-4636;77-4313(RC);78-1351(RC); 78-1504(RC);78-1799;78-1877;78-2474;78-4195;78-4611;78-5311;78-5820; 79-1277(RC);79-5573;79-6383;80-1041;80-1759;80-4873;80-6490;80-6601;GEI;
Does not apply to top of transformer	#5210(RC);
Manufactured material not barrier if such function only incidental	#392(RC);
Runway & platform distinguished	#1410(RC);
Top of machine as platform	#12862(RC);
.23(c)(1)(i)[Persons pass underneath]	#752;764;1424;3119;
Platform discussed	#79-933;79-5002;
.23(c)(1)(iii)[Falling material create hazard from equip.]	#392;76-2879(RC);

STANDARDS (Cont.)

29 CFR 1910.23(c)(2)[Runway guarding]	#61(RC);838;1863;3626;7987(RC); 8285(RC);76-4026(RC);76-4940(RC); 77-2876;77-4333;78-611(RC); 80-1759; 81-1988S;
Special purpose	#3544;5328;
.23(c)(3)[Areas above dangerous area]	#155;594;838;1191;1516;2117; 2272(RC);2276;2613;3682;4054; 77-2788;78-4675;79-1209;80-6490;
Railing on platform not beyond	#79-1388;
Must be read in conj. w/(c)(1) & (2)	#79-1388;
.23(d)[Stairway guarding]	#251;299;367;476;583;689;
.23(d)(1)(i)[Stairway less than 44" both sides enclosed]	#476;700;752;961;3170;6316; 12283(RC);
.23(d)(1)(ii)[Stairway less than 44" one side open]	#5426;8330;78-1907;81-346S;
.23(d)(1)(iii)[Less than 44", both sides open]	#1657;3375;9810;13750(RC); 77-2876;78-6181;79-3817;
Not applicable to portable steps	#2777;
.23(d)(1)(iv)[4 or more risers]	#79-898;
.23(e)[Railing etc. spec.]	#299;583;741;1125;1593;76-4636;
.23(e)(2)[Const. of railing]	#1191;

STANDARDS (Cont.)

29 CFR 1910.24[Fixed industrial stairs]	#58;4078;
.24(b)[Where required]	#130;450;510;1004;1191;1694;1716;3682;3777;5026;78-1715;80-6601;
Routine use defined	#513(RC);
.24(c)[Stair strength]	#1694;
.24(d)[Stair width]	#1424;
.24(e)[Angle of stair rise]	#2477;9810;
.24(f)[Stair treads]	#1694;3777;11048;80-6490;
.24(h)[Railings & handrails] Minor	#583;1039;1424;1694;2276; #171(RC);80-6490;
1910.25(a)[Portable wood ladder]	#3518;14123;
.25(b)(c)[Materials & const.]	#251;
.25(c)(4)[Special purpose ladders]	#1683;
.25(d)(1)(i)[Ladder care]	#61;299;398;1951;
.25(d)(1)(iv)[Cond. of safety feet]	#61;
.25(d)(1)(x)[Inspect ladders]	#398;779;961;1683;2771;
.25(d)(2)(i)[Ladder pitch]	#79-2779;
.25(d)(2)(iii)[Placing portable ladders]	#1683;

STANDARDS (Cont.)

29 CFR 1910.25(d)(2)(vii)[Method of using]	#2840;
.25(d)(2)(viii)[Def. ladder not used]	#608;1516;
.25(d)(2)(ix)[Ladders not spliced]	#77-1925;
.25(d)(2)(xix)[Provide non-slip base]	#497;
1910.26(a)[Portable metal ladders]	#450;
.26(c)[Care of ladder]	#683;
.26(c)(2)[Misuse]	#1951;
.26(c)(2)(iv)[Maintained]	#227;
.26(c)(2)(v)(d)[Ladder exp. to oil, etc.]	#857;
.26(c)(2)(vii)[Def. ladder marked]	#988;76-4636;
1910.27(b)(1)[Fixed ladder features]	#5566;
.27(b)(1)(ii)[Distance between rungs]	#2577;13283;
.27(b)(1)(iii)[Rung length]	#2739;13283;
Minor	#171(RC);
.27(b)(1)(iv)[Splinter free]	#857;
.27(b)(2)[Distance between rungs]	#78-626;

STANDARDS (Cont.)

29 CFR 1910.27(b)(7)[Protect against deterioration]	#77-2876;
.27(c)(4)[Clearance behind ladder]	#1039;2739;13730;78-1710;
.27(c)(6)	#78-4960;
.27(d)[Special requirements]	#1897;13283;
.27(d)(1)(ii)[Ladder cages etc.]	#1671;14015;77-226;
.27(d)(1)(v)[Cages size]	#80-5474;
.27(d)(1)(vi)[Wells size]	#80-5474;
.27(d)(2)[Landing platforms]	#1863;2676;2739;13283;76-914; 76-1481(RC);77-2526;78-1907; 80-1636;
Minor	#171(RC)
.27(d)(3)[Ladder extensions]	#665;1039;13730;78-1710;80-3052;
.27(d)(4)[Grab bars]	#61;
.27(d)(5)[Ladder safety devices]	#4845(RC);13283;15854;80-5474;
.27(e)(1)[Ladder pitch]	#61;
.27(f)[Maintenance]	#61;2739;8221(RC);77-2876;

STANDARDS (Cont.)

29 CFR 1910.28(a)[Safety reg. for scaffolding]	#531;970;77-3037;77-4002;78-718;
Compliance required only if there is hazard	#76-93(RC);
Elements of	#5599(RC);14098(RC);
General only	#2384;
Not app. to agric.	#13535(RC);
Not vague	Allis-Chalmers;
Includes scaffolds	#76-3697;
.28(a)(1)[Gen. Requirements]	#76-2879(RC);80-1041;
.28(a)(3)[Guardrails & toeboards]	#367;805;5315;77-4333(RC);79-692;
Invalidly promulgated	Kennecott;
.28(a)(9)[Spec. for planking]	#5566;
.28(a)(11)[Planking overlapped]	#805;
.28(a)(12)[Access ladder]	#5315;79-692;
Only requires ladder be provided	Kennecott

STANDARDS (Cont.)

29 CFR 1910.28(a)(13)[Planks over end supports]	#805;5566;
.28(a)(17)[Screening]	#247;
.28(a)(20)[Accumulation on]	#97;79-3438;
.28(c)(3)[Heavy duty tube & coupler]	#1683;
.28(c)(13)[Tied to bldg.]	#161;
.28(c)(14)[Guardrails & toeboards]	#161;
.28(d)(7)[Guardrails on tubular scaffold]	#77-2876;
.28(e)(1) & (2)[Outrigger scaffold]	#4503;
.28(g)(5)[2 point suspension scaffold]	#13334(RC);
.28(g)(9)[Load capacity]	#13334(RC);76-3697;80-5999;
.28(i)(10)[Suspension methods]	#80-5999;
.28(j)(4)[Boat swain's chair lifeline]	#4713(RC);76-3241(RC);
.28(s)[Roofing brackets]	#211;
1910.29(a)(3)(i)[Work level on port. stand]	#2739;5378;
1910.30(a)[Dockboards]	#450;849;

STANDARDS (Cont.)

29 CFR 1910.30(a)(4)[Handholds]	#12287;
.30(a)(2)[Portable dockboards]	#497;498;
.30(c)(1)[Sides of steam vats]	#988;
.30(c)(2)[Walkway between vats]	#251;
.30(b)(1)[Forging machine location]	#1430;

Subpart E[Means of Egress]

1910.36(a)(2)[Constructed etc.]	#78-1339;
.36(b)(1)[Fire escape]	#1430;3059;7988;9342;10923; 77-1865;79-1575;
.36(b)(2)[Building exits]	#434;
.36(b)(3)[Bldg. design avoid danger] Not vague	#367;5016;76-261; #76-2049(RC);
.36(b)(4)[Exits provide free egress] Sliding door as	#61;68;434(RC);479;497(RC)510; 605;1686;2339;3624(RC);4027;8990; 9553;11048;11536;12573;13944; 16355;76-515;76-1036(RC);78-4134; 79-1544;79-2586;79-6223; #11118(RC);79-5420;
.36(b)(5)[Exits visible] Minor	#61;68;434(RC);700;11192; #171(RC);79-5420;
.36(b)(6)[Exits adequately lighted]	#434(RC);

STANDARDS (Cont.)

29 CFR 1910.36(b)(8)[2 means of exit]	#130;1810(RC);7988;12208;12424;386;605;1780;2700;3090;4419(RC);4785;7290(RC);13815;15880;76-2040;79-4615;79-6933;
Is a second exit reasonably required	#77-2876;
Not vague	#510(RC);
.36(d)(1)[Maintenance]	#434;731;961;1549;9895;10989;76-1036(RC);
.36(d)(2)[Fire system in good shape]	#752;4785;
1910.37(a)(1)[Components of exit]	#1060;
.37(b)(3)[Self-closing fire door]	#497;
.37(f)(1)[Access to exits]	#4800;
.37(f)(2)[Flow of traffic]	#81-614;
.37(f)(5)[Exit not thru high hazard]	#3375;
.37(f)(6)[Access to exits]	#13591(RC);
.37(i)[Headroom]	#76-261;78-2797;
.37(j)[Changes in elevation]	#6448(RC);
.37(k)(2)[Exits free of obstruction]	#742;838;1872;2004(RC);3777;12573;13944;14291(RC);76-261;78-1269;78-4134;79-3320;79-3368;80-2843;81-614;
.37(n)(2)[Fire alarm cond. after trial]	#4078;

STANDARDS (Cont.)

29 CFR 1910.37(q)[Exit marking]	#367;640;689;714;752;881;988;1183;2004(RC);2339;2597;3090;3133;3288;3777;4237;6088;8116;76-515;76-1036(RC);79-5420;
Plainly visible exit must be marked	#13071(RC);
.37(q)(2)[No exit door so labeled]	#104;3777;76-1435;
.37(q)(5)[Exit labeled]	#4291;4785;10104;79-6223;
.37(q)(6)[Sign lit]	#479;
.37(q)(8)["EXIT"]	#79-5420;

Subpart F[Powered Platforms, etc.]

1910.66(b)(1)(i)[Mobile op. platform]	#4503;
.66(b)(5)(iii)[Power platform req.]	#2804;
Only applies to permanent platforms	#14236(RC);
.66(c)(22)(ix)[Wiring with roof car]	#922;
.66(d)(7)[Emergency comm.]	#1046;
.66(e)(3)[Maint. inspect. & tests]	#14236(RC);
.66(e)(9)[Making inoperative]	#80-4099;
1910.67(c)(2)(v)[Body belt, etc.]	#16162(RC);78-1490;

STANDARDS (Cont.)

29 CFR 1910.68(b)(6)(iv)[Manlift landing surface]	#1671;
.68(b)(6)(v)[Emer. landing surface]	#1671;
.68(b)(7)[Guard on underside]	#1671;
.68(b)(8)(i)[Guardrails]	#1671;
.68(c)(7)(ii)[Top floor warning]	#1671;
1910.93[Air contaminants] (See 1910.1000)	
.93q(m)(1)	#13693;
.93q(m)(2)(i)(6)	#13693;
Asbestos fiber definition	#10757;

Subpart G[Environmental Control]

1910.94(a)(1)(ii)[Abrasive blasting resp.]	#6007;
.94(a)(4)(iii)[Resp. prot. program]	#3777;76-4019;
.94(a)(5)(ii)[Respirators worn]	#389;
.94(a)(5)(v)[Operators equipped]	#76-4636;
.94(a)(5)(v)(b)[Face protection]	#78-4751;
.94(a)(6)[Air supply]	#3601;78-4751;
.94(a)(7)[Operational safety]	#78-4751;

STANDARDS (Cont.)

29 CFR 1910.94(b)(1)(vii)[Exhaust system]	#3601;
.94(b)(2)	#2792;2802(RC);3777;
.94(b)(3)(i)[Hoods]	#1694;79-2969;
.94(b)(3)(ii)[Grinding wheel exhaust]	#2896(RC);
.94(b)(5)(x)[Hood construction]	#3601;
.94(c)(1)(ii)[Spray booth]	
Must be construed 2/1910.107	#7176(RC);
Reversed	#13955(RC);
.94(c)(1)(iii)	#77-1133(RC);
.94(c)(2)[Location]	#1645;76-2400(RC);76-4760;78-2712;
Must be read in conj. with 107	#7176(RC);76-4760;
Reversed	#13955(RC);
Spray room defined	#13955(RC);
.94(c)(3)[Design & construction]	#1645;
.94(c)(3)(i)(b)[Booth made of]	#76-733;
.94(c)(4)(i)	#77-1133(RC);
.94(c)(4)(ii)[Spray booth doors]	#16109;76-20(RC);
.94(c)(5)[Ventilation]	#1645;
.94(c)(6)[Air flow requirements]	#12526;16109;
.94(c)(7)[Make up air]	#6316;
.94(d)[Open surface tanks]	#3562;

STANDARDS (Cont.)

29 CFR 1910.94(d)(2)[Classification of]	#829(RC);
.94(d)(4)[Control requirements] Applies only when toxic concentration exceeded	#7801(RC);
.94(d)(7)(iii)[Exhaust systems]	#13591(RC);
.94(d)(9)(i)[Personnel protection] [Not to storage tanks]	#134;829(RC);78-982;78-5311; #79-3370;
Not vague	#7490(RC);
.94(d)(9)(iii)[Gloves]	#513;79-6223;
.94(d)(9)(iv)[Protective clothing]	#16194;
.94(d)(9)(v)[Goggles] Failure to provide goggles does not include failure to use	#13401(RC);77-2616(RC); #3443(RC);
.94(d)(9)(vii)[Rinse facility]	#946;1516;1716;3113;3443(RC); 78-5311;
.94(d)(9)(viii)[Skin lesions] Not vague	#7490;79-2220;
.94(d)(9)(x)[Clothing storage]	#1423;
.94(d)(10)[Cyanide precautions]	#6625;77-2616(RC);78-31(RC); 79-2220;
.94(d)(13)(i)[Scope]	#2276;
1910.95(a)[Noise levels]	#268(RC);338;389;456;855;914; 1098;1101;1104;1231(RC);1746; 2367;3162;3777;5978;6027;7848;

STANDARDS (Cont.)
29 CFR 1910.95(a)(Cont.)

	#9616;11542;10609;10639(RC); 12817(RC);76-222(RC);77-1022; 77-2846(RC);77-3622;78-216; 78-1247;78-1303;80-3320;81-231;
Audiodosimeter valid test device	#76-4636;
Determined by brief meter use and observing employee in area	#4612(RC);
Merges into .95(b)(1)	#78-3297;
Newspaper	#77-580;
Nonserious	#79-624;
Not vague	#14702(RC);
Valid	#11869(RC);
.95(b)(1)[Controls]	#158;268;299;389;456;687;914; 1098;1101;1104;1746;2038;2116; 2367;2453;2500;2619;2786(RC); 3162;3635(RC);3777;3783;3813; 3827;4612;6286(RC);6492;6891; 8165(RC);10270;10609(RC);10920; 11865(RC);13102(RC);13417; 13439(RC);13732(RC);13949(RC); 15654(RC);76-1463(RC);76-4572(RC); 77-672;77-926;78-1221;77-1817; 78-145;78-216;78-723;78-1246; 78-1303;78-449(RC);78-4894;78-5046; 78-5321;79-361;79-1868;79-3179; 79-4077;79-6375E;79-6613;80-1403P; 80-6511;Turner;RMI;West Point; Noblecraft;
Controls	
Administrative defined	#3635(RC);76-4636;
Earplugs as	#15362;

STANDARDS (Cont.)	
29 CFR 1910.95(b)(1) (Cont.)	
Controls (Cont.)	
Economic	#3685;3973;
Feas. eng. & adm. before pers. prot.	#8165(RC);
Isolation booth is	#78-5835;
Merges into (a)	#78-3297;
Newspaper	#77-580;
Nonserious	#79-624;
Not nec. to reduce to acc. limits	#3973(RC);13773(RC);
Proof not necessary they will reduce to G16 levels	#6352(RC);13068;
SOL must prove feasibility of	#1551(RC);6268(RC);
Technically feasibility	
Includes technology & economics	#6632(RC);8255(RC);10925(RC); 13773;
Testing	
Grab samples	#1231;1758;14702(RC);
To prove SOL must est. failure to utilize feasible eng. & adm. controls	#6632(RC);West Point;
Showing controls exist does not satisfy	#6632(RC);
Includes .95(a)(1)	#78-3297;

STANDARDS (Cont.)
29 CFR 1910.95(b)(1)(Cont.)
Controls (Cont.)

Noise levels	
Period req. to monitor	**#10639(RC);**
Not arbitrary or capricious	**#77-580;**
Not vague	**#3635(RC);3905;4474;7134;10925(RC);11869(RC);14702(RC);77-580;**
SOL must specify where noise excessive	**#14702(RC);Harrison**
Valid	**#3635(RC);3973(RC);8165(RC);11865(RC);15362;79-6938;**
.95(b)(3)[Hearing cons. program]	#456;3777;4734;6286(RC);6832;7134(RC);78-3297;81-231;
Vagueness	#802(RC);2200(RC);7134(RC);80-1841;80-2562;
.95(a) and (b)	
Cannot be charged as sep. viol.	#2887;
1910.96(d)(1)[Precautions]	#9392;
.96(d)(2)[Monitoring]	#9392;
.96(e)(2)[Radiation area]	#9392;
.96(n)(1)[Records]	#9392;
1910.97(a)(2)(i)[Radiation prot. guides]	
Advisory	#12715;80-4873;

Subpart H[Hazardous Materials]

1910.101(b)[Compressed gases]	#700;1951;4785;78-1834;78-2163;78-5975;79-1585;79-2586;

STANDARDS (Cont.)

29 CFR 1901.102(a)[Acetylene cylinders] #700;79-4435;

1910.103(d)(3)[Design consideration] #1139;

1910.104(b)(2)(iii)[Bulk storage leakage] #76-484(RC);

.104(b)(3)(iii)[Fire resist. structures] #2885;

.104(b)(3)(ix)[Flammable gas storage] #3833;

.104(b)(9)[Operating instructions]#1689;

1910.105(a)[Nitrous oxide] #3320;7936;

1910.106[Flammable & comb. liquids] #760;

.106(a)(8)[Chemical plant defined]#76-2721;

.106(b)(2)(ii)[Spacing between tanks] #76-929;76-2721;
Not concerned with safety #76-482;

.106(b)(2)(iii)[Location of tanks]#76-2721;

.106(b)(2)(iv)(f)[Tank for 1A liquids] #10506;

.106(b)(2)(vii)(a)[Drainage & diking] #7554;13750(RC);76-929;

.106(b)(2)(vii)(b)(2)[Drainage into] #1829;13750(RC);

.106(b)(2)(vii)(c)(5)[Drainage slope] #1008;1829;

STANDARDS (Cont.)

29 CFR 1910.106(b)(2)(vii)(c)(7)(i)[Tank cond.]	#1008;1829;
.106(b)(3)(iv)[Tank venting]	#714;
.106(b)(5)(ii)[Fire resistance]	#76-2721;
.106(b)(6)[Sources of ignition]	#935;5222;
.106(b)(7)[Testing]	#935;
.106(c)(4)[Pipe supports]	#1008;
.106(c)(5)[Corrosion protection]	#76-2721;
.106(d)(2)(i)[Container design]	#2571(RC);15952;76-2721;76-4636;
.106(d)(2)(iii)[Container size]	#6088;
.106(d)(3)(ii)[Fire resistance]	#76-2360;79-5420;
.106(d)(4)(i)[Inside storage design]	#805;12526;80-1759;
.106(d)(4)(ii)[Flam. fluids in inside room]	#78-1595;
.106(d)(4)(iv)[Ventilation]	#12526;13393;
.106(d)(4)(v)[Storage]	#513;78-1595;
.106(d)(5)(i)	#76-1036;
.106(d)(5)(ii)[Container]	#251;

STANDARDS (Cont.)

29 CFR 1910.106(d)(5)(iv)(a)[Public area storage]	#1549;
.106(d)(5)(iv)(c)[Display containers]	#1549;
.106(d)(6)(iv)[Security]	#79-4194;
.106(d)(7)(i)(a)[No. of extinguishers]	#12526;78-5975;
.106(d)(7)(iv)[Water reactive materials]	#80-1759;
.106(e)[Industrial plants] Applies to industrial plants only	#180;849;1278;1645; #76-1435;
.106(e)(2)[Incidental storage]	#1012;
.106(e)(2)(ii)[Containers]	#752;799;1278;12840;78-1595; 78-5311;
.106(e)(2)(ii)(b)[Quantity stored]	#1278;
.106(e)(2)(ii)(b)(2)[Class 1B, 1C, II or III]	#513;2896(RC);77-672;79-6635;
.106(e)(2)(iii)	#79-6611;
.106(e)(2)(iv)(a)[Covered container]	#688;2571(RC);12526;13225;13393; 78-454;78-1834; 81-1988S;
.106(e)(2)(iv)(c)[Ignition]	#79-6223;
.106(e)(2)(iv)(d)	#79-3817;79-6611;

STANDARDS (Cont.)

29 CFR 1910.106(e)(2)(iv)(b)[Care of spills]	#134;8221(RC);
.106(e)(2)(iv)(c)[Use of class I liquids]	#1645;78-729;
.106(e)(2)(iv)(d)[Drawn thru closed system]	#191;13225;78-5975;
.106(e)(3)(iv)(a)[Emergency drainage]	#134;
.106(e)(5)(i)[Portable equipment]	#1575;
.106(e)(6)[Sources of ignition]	#4415(RC);
.106(e)(6)(i)[General]	#1318;1694;2028;3927;14430; 79-5763;
.106(e)(6)(ii)[Grounding]	#2571(RC);13225;78-1595; 81-1975;
.106(e)(7)(i)(c)	#79-5763;80-6622;
.106(e)(8)	#79-5763;
.106(e)(9)[Housekeeping]	#1012;
.106(e)(9)(i)[Housekeeping general]	#13591(RC);
.106(e)(9)(iii)[Waste & residue]	#2739;
.106(f)(3)(iv)(a & b)[Spark arrestor]	#79-2160;
.106(f)(8)[Fire control]	#1008;1829;
.106(g)[Service stations]	#60;

STANDARDS (Cont.)

29 CFR 1910.106(g)(1)[Storage & handling]	#1423;
.106(g)(1)(i)(a)[Liquid storage]	#76-4636;78-1595;79-3817;
Oil refinery not a service station	#3769;80-785;
Only applies to retail est.	#76-2954;
.106(g)(3)(iii)[Inside dispenser]	#14412;79-3817;
.106(g)(3)(iv)(b)[Spec. for nozzle]	#78-1595;
.106(g)(3)(iv)(d)[Mounting dispenser]	#3839;78-1595;79-3817;
.106(g)(8)[No smoking signs]	#78-1595;79-3817;
.106(g)(9)[Fire control]	#1694;78-1595;79-3817;
.106(h)(4)(i)(d)[Flammable storage]	#700;76-2721;
.106(h)(4)(ii)(c)[Id. pipes w/ flammable]	#76-2721;
.106(h)(4)(iv)(a)[Equip. design]	#76-2721;
.106(h)(7)(i)(a)[Care to take]	#76-2721;
.106(h)(8)(i)[Housekeeping] Chemical plant not covered by	#11238;
1910.107[Spray finishing w/comb. material] Must be construed with 1910.94(c)(See)	#76-4760;

STANDARDS (Cont.)

29 CFR 1910.107(a)(2)[Spraying area]	#1645;6316;77-1133(RC);77-3285(RC);
.107(b)(1)[Booth construction]	#78-454;
.107(b)(2)[Interiors]	#79-5420;
.107(b)(3)[Floors]	#1234;1243;1645;
.107(b)(5)(i)[Design of spray op.]	#1423;4212;76-3723;76-4760; 77-553(RC);77-3689;78-2665;
.107(b)(5)(iv)[Sprinkler protection]	#4212;12424;76-4760;77-3689; 78-2026;78-2665;
.107(b)(6)[Frontal area]	#76-4760;
.107(b)(8)[Separation of operation]	#6316;
.107(b)(9)[Cleaning]	#4212;
.107(b)(10)[Illumination]	#78-2665;
.107(c)[Source of ignition]	#1278;
.107(c)(2)[Separation of spark equip.]	#3624(RC);10337;76-4636;77-4236; 78-454;79-3817;
.107(c)(3)[Hot surface in spray area]	#78-1901;
.107(c)(b)[Flammable materials]	#77-1133(RC);
.107(e)(3)[Containers]	#78-2665;

STANDARDS (Cont.)

29 CFR 1910.107(c)(5)[Combustible residue area]	#6316;7860;16109;76-4760;78-1595; 78-1770;78-1834;78-1901;79-3817;
.107(c)(6)[Wiring type approved]	#752;881;3624(RC);6316;7860;16109; 15983(RC);76-4636;76-4760;78-1834; 78-1848;78-1901;80-6661B; 81-1120;
.107(c)(7)[Lamps]	#1423;76-4760;79-1817;
.107(d)(2)[Ventilation, general]	#1285;2218;2311;6316;13374(RC); 78-1901;79-5420;
Adequate ventilation discussed	#6606(RC);
.107(d)(3)[Independent exhaust]	#76-4760;
.107(d)(5)[Electric motors]	#3119;6316;12840;79-242(RC); 79-3040;
.107(d)(6)[Belts]	#1423;
.107(e)(1)[Storage of combustibles]	#7232;11240;
.107(e)(2)[Quantity]	#414;1263(RC);3624(RC);6606(RC); 7232;7860;16109;78-454;78-1595; 78-1834;
Vague	#1263;
.107(e)(2)(iv)(a)[Kept in tightly closed can]	#78-1848;
.107(e)(3)[Containers]	#7232;79-3817;
.107(e)(4)[Transferring liquids]	#1234;1243;
.107(e)(9)[Grounding]	#10096(RC);78-5975;79-3817;

STANDARDS (Cont.)

29 CFR 1910.107(f)(1)[Protection conformance]	#12495;
.107(f)(3)[Cleaning sprinkler heads]	#3443(RC);5136;7232;
.107(f)(4)[Portable sprinkler heads]	#3624(RC);
.107(g)(1)[Spraying]	#3119;4922;78-1834;79-5420;
.107(g)(2)[Cleaning]	#1506;3113;3119;3624(RC);79-3817; 80-6661B;
De minimis	#76-3816;
.107(g)(3)[Residue disposal]	#1263;3443(RC);5426;
.107(g)(4)[Clothing storage]	#1423;
.107(g)(5)[Solvents]	#78-2665;79-3817;
.107(g)(7)[No smoking signs]	#1423;3624(RC);78-5975;79-3817;
"At" defined	#3639;
.107(m)(1)[Spraying w/organic peroxides]	#78-1510;
1910.108(b)(1)[Vapor area ventilation]	#11858;12424;
.108(c)(2)[Overflow pipes]	#836;1423;11858;12424;13401(RC);
.108(c)(3)[Bottom drains]	#836;1423;3664-P;11858;13401(RC);
.108(c)(5)[Auto. extinguishing facility]	#1423;11858;12424;
.108(c)(6)[Conveyor system]	#836;

STANDARDS (Cont.)

29 CFR 1910.108(d)[Liquids used in dip tanks]	#11858;12424;
.108(e)(1)(i)[Vapor areas]	#11858;
.108(f)(1)[Operations and maintenance]	#1423;12424;
.108(f)(4)[Warning signs]	#1423;
.108(g)(6)[Dip tank covers]	#849;
.108(h)(1)(vii)[Comb. drain & oil cir. sys.]	#3664;
1910.109(c)(1)[Storage of explosive]	#1323(RC);5946;
.109(c)(1)(ii)[Blasting caps]	#1323(RC);
.109(c)(3)(i)[Class I magazine]	#954;
.109(c)(4)(iv)[Class II painted red]	#9342;
.109(c)(5)(i)(5)[Storage of explosive]	#954;
.109(c)(5)(ii)[Packing & unpacking]	#954;
.109(c)(5)(vii)[Smoking etc.]	#9342;
.109(d)(3)(ii)[No parking explosive trucks]	#954;
.109(e)(3)(iv)[Loading holes]	#5946;
.109(g)(2)(vi)(e)[Land around mix plant]	#954;

STANDARDS (Cont.)

29 CFR 1910.109(g)(5)(iii)[Smoking near blasting agents]	#954;
.109(g)(5)(iv)[Storage bldg. kept clear]	#954;
1910.110(b)(6)(ii)	#17525(RC);
.110(b)(15)(iv)[Pet. tank truck loading]	#76-124;
.110(d)(10)[Damage from vehicles]	#2840;80-6687;
.110(f)(2)(iii)	#79-6611;
.110(h)(14)[Fire protection]	#1012;
1910.111(b)[Basic rules for anhydrous ammonia]	#1127;

Subpart I[Personal Protective Equipment]

1910.132[General Requirements]	#215;306;793;1382;1396;
.132(a)[Application]	#187;302;414;442;506;1487;1694;2343;4532;6007(RC);6083;6134;6499(RC);6589(RC);7204;7533;8056;9109;10331;10506;10813;11285(RC);12097;12569(RC);13030(RC);13164(RC);13401(RC);14291(RC);14484(RC);15037(RC);76-596(RC);76-1053(RC);77-672; 77-1545(RC);77-2401;77-2549;77-3622;77-4343;78-982;78-1504(RC);78-1710;78-3468;78-6247(RC);78-6265(RC);79-310(RC);79-407(RC);79-1552(RC);79-2220;79-2765;79-4005;79-5373;79-6736B;80-1609;80-2273;80-2984;80-3102;80-4711;80-4976;80-5859; 81-1655S;American;Apron;

STANDARDS (Cont.)
29 CFR 1910.132[General Requirements] (Cont.)
.132(a)[Application] (Cont.)

Belts	#594;1113;11552;76-3607;
Body protection generally	#77-2876;
Burn protection	#2792;3682;14910(RC);
Compliance req. only if there is hazard	#76-93(RC);
Does not require safety belts	#76-4631;
Economics considered in	United Parcel I;
Electric shield	#1186;
Face mask obscured	#77-3622;
Face protection	#77-2876;77-3402;77-3825;
Falling scale accumulation	#78-1977;
Fire retardent clothing	#78-4879
Glasses	#134;191;266;10661;80-4844;
Gloves	#79;416;450;995;4160;7031; 7111;7850;8100(RC);8220(RC); 9349(RC);11285(RC);11745(RC); 11968;11971(RC);12270;12483; 13101;13256;13266(RC);13642; 76-4990(RC);77-3622;78-729; 78-1834;78-5519;79-53;Smoke craft;
Stoddard sol. doesn't require	#79(RC);
Hard hat	#237;2818;3821;15037(RC); 13591(RC);16200(RC);78-190; 79-6049;

Hazard defined	#995(RC);
Hazard of environment defined	#391(RC);
Hazard of process defined	#391(RC);594(RC);
Metatarsal protection	#78-190;
Molten steel protection	#78-3992;
Not applicable to agric.	#13535(RC);
Not applicable to safety belts	#76-4636;
Not vague	#1541(RC);3664P(RC);Ryder Truck; McLean Truck;Arkansas; United Parcel II;
Protective clothing	#77-2876;77-3825;79-1580;79-2258;
Protective creams	#78-729;
Protective eye shield	#77-3622;
Provide & require use test	General Electric;
Reasonable man test applies to need for	#77-2778(RC);77-3432;
Required in foundry	#15507;
Respirator	#161;1657;
Safety belt not included	#1113;76-2784;76-4631;76-4636; 78-1834;

STANDARDS (Cont.)
29 CFR 1910.132(a) (Cont.)

Shoes	#199;215;391(RC);1085;1541;1932;2375;2487;2658;2847;3374;3664(RC);6344(RC);6483(RC);6706(RC);7674(RC);8330;12831(RC);13222(RC);14039;76-2639;76-2760(RC);76-3621;76-4146(RC);76-4636;77-3432;77-3595;77-3622;78-3266;78-3627;78-4850(RC);78-5161;78-5170;79-407;79-1585;79-4150;80-7351S;Budd;Cotter;
Tire Cage	#2423;
Valid	#78-1443(RC);78-5557(RC);79-4478(RC);United Parcel I;
Violation of determined by ascertaining the understanding and experience of industry or by "reasonable man" test	#14122;76-2383(RC);77-508;77-2200;77-4068;Cape & Vineyard;Gen. Dynamics;
"Wherever it is necessary"	Gen. Dynamics;
.132(c)[Design]	#76-3607;77-1380;
1910.133(a)(1) [Protective eye and face]	#161;191;258;266;299;302(RC);392;603;608;700;741;1012;1603;1623;1694;2311;2446;2571(RC);2739;2887;3113;3601;4237(RC);5056(RC);5599;5857;6316;6731;8274(RC);8862(RC);10228;11116;11167(RC);13222(RC);76-4636;77-2788;77-2876;78-2525;78-5519;78-6102;79-898;79-4887;79-4005;80-4157;81-239;81-694;
Failure to provide does not include failure to use	#3443(RC);
More than purchase required	#513(RC);

STANDARDS (Cont.)

29 CFR 1910.133(a)(1)(Cont.)

SOL must spec. steps to comply	General Elec.;
.133(a)(2)(iv)	#5056(RC);
.133(a)(1)	#187;302;414;1228;
.133(a)(6)	#80-7140S;
1910.134(a)(1) [Respiratory prot.]	#187;414;961;1603;2651;3162;3336(RC);5056(RC);7368;12597(RC);77-3041(RC);78-1269;78-5471;80-2297;80-4844;
.134(a)(2)	#191;1225;1919;2276;2692;3336(RC);4144;4415(RC);4678(RC);5594;10228;13102(RC);76-134;77-3014;77-4343;78-501;78-1770;78-4392;78-4580;78-4674;79-769;79-1358;79-2205;79-6604;79-6636;80-927;80-2767;80-3589;Rockwell;
Includes items in (b)(1) thru 11	#78-5459;
Properly promulgated	#4678(RC);
.134(a)(3)[Use protector as designed]	#594;2771;
.134(b)(1)[SOP re use of respirators]	#594;9506;76-4636;77-787;77-3014;79-3009;79-4549;79-6366;80-927;80-4398;
.134(b)(2)	#80-927;
.134(b)(3)[Train users]	#76-4636;77-787;78-5471;79-6366;80-927;

STANDARDS (Cont.)

29 CFR 1910.134(b)(5)[Respirator cleaned etc.]	#9506;13591(RC);79-3009;
.134(b)(6)[Respirator stored]	#13591(RC);79-3009;79-6366; 80-4398;
.134(b)(7)[Inspected]	#9506;
.134(b)(8)[Area surveillance]	#1255;9506;79-6366;
.134(b)(9)[Program evaluation]	#79-6366;
.134(b)(10)[Physically fit to use] Invalid	#15949;76-2982(RC);76-4636; 79-4005;80-927;
.134(b)(11)[Approved respirator used]	#191;343;1285;4415(RC); 9552;15411(RC);79-3009;81-407;
.134(c)	#80-927;
.134(d)(1)	#80-927;
.134(d)(2)(ii)[Equipping of air comp.]	#76-190(RC);76-4636;76-6635; 77-4343;78-4751;78-5459; 78-6102;80-927;
.134(d)(9)(v)	#79-2220;
.134(e)(1)[Procedure for use of]	#594;76-3961;
.134(e)(2)[Correct respirator]	#77-2545(RC);80-927;
.134(e)(3)(i)[Procedure in toxic air]	#1255;12306;14541;76-3961;78-501; 79-2205;79-2220;80-927;

STANDARDS (Cont.)

29 CFR 1910.134(e)(3)(iii)[Safety harness]	#76-134;80-927;
.134(e)(5)[Train user]	#594;76-3961;76-4636;77-2235; 78-5471;78-6102;
.134(e)(5)(i)	#77-2235(RC);79-4005
.134(f)(2)(iv)[Inspection records]	#76-2721;
1910.135[Head protection]	#1516;1716;
1910.136[Foot protection]	#1716;
Does not modify 1910.132	Am. Airlines;

Subpart J[General Environmental Controls]

1910.141(a)(1)[Sanitation, scope]	#61;476;594;935;1039;4543;
.141(a)(3)(i)[Kept clean]	#3119;3624(RC);76-2721;79-5420;
.141(a)(3)(ii)[Floor dry]	#3624(RC);78-1562;
.141(a)(3)(iii)[Floor free of nails, etc.]	#10228;78-1562;79-2209;
.141(a)(4)(i)[Receptacles]	#79-6732;
.141(b)(1)(i)[Potable water]	#3230;
.141(b)(1)(ii)[Spec. for fountains]	#752;
.141(b)(1)(iii)[Sanitary cond.]	#250;
.141(c)(1)[Toilet facilities]	#485;511;539;583;689; 1907;5566;7208;78-2421;

STANDARDS (Cont.)

29 CFR 1910.141(c)(1)(ii)[Mobile site]	#639;857;
.141(c)(1)(iii) [Separate]	#250;473;485;1907;79-6223;
.141(c)(1)(v)[Toilet paper]	#250;
.141(e)(1)(i)	#80-882;
.141(c)(1)(vii)[Number of lavatories]	#5566;15198;15851;
.141(c)(2)(i)[Separate comp]	#250;988;4734;4827;
De Minimis	#123(RC);15198;
.141(c)(2)(iii)[Finish of room]	#250;
.141(c)(3)[Const. of facility]	#2505;
.141(d)(1)[Washing facilities, generally]	#392;485;594;890;78-1562;79-5420;
.141(d)(2)[Lavoratories]	#199;298;473;485;509;539;689;5566; 15086(RC);77-3917;78-2421;79-5420;
Invalid [See Assoc. Ind. of NY State v. USDL, 73-1978]	
Means wash basin	#392(RC);
.141(d)(3)[Showers]	#890;
.141(e)[Change rooms]	#594;
.141(f)[Retiring room for women] Revoked April 10, 1973	#250;988;
.141(g)(1) [Lunchroom]	#123;250;594;857;3359;

STANDARDS (Cont.)

29 CFR 1910.141(g)(2)[Eating & drinking area]	#1039;1767;3777;14910(RC);76-4636;78-2635;79-261;79-2225;79-5269;
.141(g)(3)	#79-6223;
.141(g)(4)[Sanitary storage]	#14910(RC);
1910.142[Temporary labor camps]	#14502;80-917;
Adopting ANSI 2-44-1968 Valid	#15904;
.142(a)(2)[Adequate size]	#14303;
.142(a)(3)[Site kept clean]	#14303;78-1103(RC);
.142(a)(4)[Sanitation after closing]	#15904;
.142(b)(1)[Shelter construction]	#15904;78-1103(RC);
.142(b)(2)[Size of sleeping room]	#14303(RC);
.142(b)(4)[Floor const.]	#14096;
.142(b)(7)[Windows in quarters]	#14303(RC);
.142(b)(8)[Screening]	#14096;79-5715;79-5904;
.142(b)(10)[No. of stoves provided]	#14096;
.142(b)(11)	#78-1103(RC);
.142(c)(1)[Adequate approved water]	#14303(RC);

STANDARDS (Cont.)

29 CFR 1910.142(d)(3)[Toilet room]	#14303(RC);
.142(f)(1)[Laundry facilities]	#14303(RC);
.142(f)(3)[Hot & Cold water]	#14303(RC);
.142(g)[Lighting]	#14096;78-1103(RC);79-4005;
.142(h)(1)[Fly-tight refuse disposal]	#14303(RC);
.142(h)(3)[Freq. of garbage disposal]	#14303(RC);
.142(k)(2)[First-aider on duty]	#15904;
1910.143(a)(7)[Seepage pit]	#5222;
1910.144(a)(1)(i)(e)[Color of fire ext.]	#801;1078;
.144(a)(3)[Color yellow is caution]	#76-5242;
Not enforceable standard	#5056(RC);
1910.145(a)[Except railroads]	#78-4833;
.145(c)(2)[Caution signs]	#1951;14657(RC);78-4833;
.145(c)(3)[Safety inst. signs] Vague	#5241;80-4711;
.145(d)(10)[Slo-moving veh. emblem]	#15094(RC);
.145(f)(1)(i)[Accident prevent. tags]	#155;1318;3162;3682;

STANDARDS (Cont.)

29 CFR 1910.145(f)(3)(ii)[Color of tag letters]	#5426;
.145(f)(3)(iii)[Location of "Do not start"]	#5815(RC);11739(RC);

Subpart K[Medical & First Aid]

1910.151(a)[Medical personnel avail.]	#76-5197;
.151(b) [Employee trained in first aid & physician approval of kit]	#62;123;191;498;627;1085;1364;1423;1686;1716;2218;2696;2568;2840;3133;6286(RC);8907;12298(RC);76-1435;77-1334(RC); 79-1277(RC);79-6736B;80-1636;
Vague	#1541(RC);
Reversed	Santa Fe Trail;
10 blocks as	#1263;
5 1/2 miles as	#1541(RC);
.151(c)[Quick drench facility]	#130;187;414;510;594;741;1012;1105;1516;1874;1875;2311;4785;7850;14657(RC);76-2400(RC);76-4636;76-5197;77-734;76-3961;77-4324;78-2423;78-3019;78-4510;78-5519;79-6223;
Performance standard	#78-3532;80-3320;
Suitable facility	#2231;

Subpart L[Fire Protection]

1910.157(a)(1) [Portable ext. - operable]	#250;299;302;608;665;731;793;1278;1694;2185;2437(RC);77-1334(RC);
Maintained defined	#15548(RC);
.157(a)(2) [Location]	#60;130;299;434;450;510;714;961;988;1039;2571(RC);2706;2739;3329;4785;5873(RC);6316;6901;10978;

STANDARDS (Cont.)

29 CFR 1910.157(a)(3) [Marking location]	#61;434;1060;1872;2004(RC);6088;
Obstructed or obscured defined	#12298(RC);
.157(a)(5) [Mounting]	#158;250;299;442;583;731;752;805;1872;1951;2332;3004;6316;11048;12496;
.157(a)(6) [Mounting height]	#61;961;1183;1830;5873(RC);7674(RC);
.157(b)(1)	#700;
.157(b)(2) [Ext. selection by hazard]	#61;79-2285;
.157(c) [Dist. of port. ext.]	#531;689;741;
.157(c)(1)(ii)[Fire protection]	#4306;10440;80-1636; 81-1988S;
.157(c)(2)[Class A extinguisher]	#2041;
.157(c)(3)[Class B extinguisher]	#77-2876;
.157(c)(5)(i)[Class C extinguisher]	#2004(RC);4322;
.157(d)(1) [Inspection, generally]	#123;180;299;434;583;689;1278;5487;6316;
.157(d)(2)(i)[Inspection period]	#331;434;961;2358;3624(RC);3638;9404;
.157(d)(3)(i) [Maint.]	#180;299;398;442;479;665;1625;3186;3777;9404;10104;11048;78-2421;

STANDARDS (Cont.)

29 CFR 1910.157(d)(3)(ii)[Removed ext. replaced]	#2571(RC);
.157(d)(3)(iv) [Main. tag attch]	#68;299;434;665;805;961;3638;12496;
.157(d)(4)(iii) [Testing]	#199;961;1506;
.157(d)(4)(iv)[Testing nitrogen cylinder]	#961;
.157(d)(4)(viii)[Record test data]	#961;988;7491;
1910.158(b)(1)(i)[Selection of ext., general]	#1012;
.158(b)(5)[Hose valves]	#3288;
.158(b)(5)(i)[Valve at each outlet]	#1012;
1910.159(e)[Sprinkler head clearance]	#5873(RC);78-2236;
1910.163(a)[Local fire alarm system]	#76-261;
1910.165(b)(3)[Dist. of boxes]	#76-261;

Subpart M[Compressed gas & air Equipment].

1910.169(b)[Air receiver inst.]	#68;
.169(b)(2)[Drains & traps]	#76-1107;79-6611;
.169(b)(3)(i)[Gauges & valves]	#1694;77-4409;79-569;79-4734;

STANDARDS (Cont.)

29 CFR 1910.169(b)(3)(iv)[Safe valves tested] Not vague	#1134;

Subpart N[Materials Handling & Storage]

1910.176(a) [Mech. mat. handling equip.] (See 1910.22(b))	#299;389;988;1895;2739;2987;4237(RC);4904;5058;15086(RC);77-4267;78-1877;78-4177;78-5623;80-2843;
"Safe clearance" key words	#78-1368;
.176(b) [Storage of materials]	#61;130;187;299;402;414;510;752;1183;2096;2116;2358;3777;3975;5873(RC);6731;12272;13401(RC);76-3028;77-1895(RC);78-992;78-1780;79-2633;79-4194;79-4264;79-4709;79-6223;80-911;80-4711;
"Interlocked" discussed	#78-2225;
Not limited to permanent storage	Noranda;
.176(c) [Housekeeping]	#68;176;683;890;935;1895;78-1877;
.176(f)[Derail block]	#9438(RC);78-2662;78-3110;
.176(g) [Guarding]	#988;
1910.177 [Revoked - 38 F.R. 14371, 6-1-73]	
1910.178[Powered industrial trucks]	#77-3285(RC);79-1339;
.178(a)(1)[Safety requirements for]	#9178;
.178(a)(4)[Mod. affecting operations]	#2102;78-3161;

STANDARDS (Cont.)

29 CFR 1910.178(a)(6)[Name plates]	#1830;78-1595;
.178(c)(2)(vii)[Trucks in comb. dust]	#78-2006;79-2288;
.178(e)[Safety guards]	#1751;1951;2983;
.178(e)(1)[High lift rider overhead guard]	#1932;3214;4237(RC);4415(RC); 77-4409
.178(e)(2)[Hazardous load]	#77-4068;
.178(f)(1)[Storage & handling of liquid fuels]	#3769(RC);
.178(g) [Storage batteries]	#38;
.178(g)(2)[Spilled electrolyte]	#1285;78-2421;79-6223;
.178(k) [Chocking truck wheels]	#392;454;723(RC);1070(RC);1588; 2546;3038;7850;
.178(k)(2)[RR car wheel stops]	#12272;
.178(l)[Operator training]	#2096;4237;6019;76-3569;77-1371; 78-257;78-2818;79-3394;79-6223; 79-6611;80-7140S;
.178(m)(1)[Truck not driven against person]	#130;258;510;683;849;850;851;1913;
.178(m)(2)[No one under elev. port.]	#299;1296;76-568;
Definition of "allowed" as used in	#419;
.178(m)(3)[Unauth. person on ind. truck]	#3418;8221(RC);12287;

STANDARDS (Cont.)

29 CFR 1910.178(m)(5) [Unattended vehicle (25')]	#392;569;829(RC);1009;1039;1318; 2407;76-568;
.178(m)(5)(i)[Wheels blocked]	#79-6223;
.178(m)(6)[Safe distance edge of plat.]	#2938;79-636;
.178(m)(7)[Brakes set & blocked]	#454;723(RC);1070(RC);6018;12272; 79-1269(RC);
.178(m)(9) [Overhead guard]	#498;668(RC);752;791;981;1593; 1913;2430;2441;2619;2686; 2913(RC);3170;3313;6018;6484;
.178(m)(12)	#79-4712;
.178(m)(12)(i) [Safety carriage on lifting dev.]	#367;849;10440;13401(RC);79-6649;
.178(m)(12)(ii)[Power shut-off]	#10440;
.178(n)(1)[Traffic req. observed]	#9178;
.178(n)(4)[Crossing aisles]	#1285;12534;76-1420;79-6223;
.178(n)(7)[Grades ascended slowly]	#78-2818;
.178(n)(8)[Safe speed]	#77-3622;
.178(n)(10)[Slow down for wet or slippery surface]	#78-2818;
.178(n)(11)[Securing dockboards]	#1886;12356;78-2818;
.178(o)(1)[Handling loads]	#12272;12356;77-3622;

STANDARDS (Cont.)

29 CFR 1910.178(o)(2)[Only loads w/i rating]	#419;3374(RC);
.178(p)(1) [Out of service for repair]	#392;498;779;1593;4237;10440; 76-2643(RC);76-5039(RC);77-3133; 77-4267;78-1595;78-3163;79-1431; 79-4850;79-6223;79-6367;79-6739; 79-7185;
Hazardous when loaded	#76-3877(RC);
.178(q)(1)[Remove unsafe truck]	#752;
.178(q)(6)[Alteration policy]	#2102;76-2643(RC);
.178(q)(7)[Exam. before using]	#78-1595;79-6611;79-6649;
.178(q)(10)[Clean trucks]	#1078;1547;
1910.179[Cranes generally]	#78-1907;78-2462(RC);
Design spec. not applicable to cranes built prior to 8-31-71	#78-3290(RC);78-4277;78-5998(RC);
.179(b)(2)[New & existing equip]	#13320(RC);
.179(b)(4)[Design Spec.]	#79-162;
.179(b)(5) [Rated load crane]	#299;302;479;961;1060;1348;2597; 3638;6316;13477(RC);77-1682; Pittsburgh;Anaconda;
.179(b)(6)[Clearance from obs.]	#299;
.179(b)(7)[Clearance between parallel cranes]	#2913;
.179(c)(2)[Access to crane]	#1039;3638;76-4636;78-4277;
.179(c)(3)[Fire extinguisher]	#299;

STANDARDS (Cont.)

29 CFR 1910.179(d)(1)(ii)[Foot walk headroom]#13141;

.179(d)(3)[Footwalk toeboard & handrail]	#76-4636;
.179(d)(4)(iii)[Ladders permanent]	#11104;
.179(e)(2)[Bridge bumpers]	#1883;
.179(e)(2)(i)[Need for bumper]	#1572;78-2462(RC);
.179(e)(3)(i)[Trolley bumper]	#1572;78-2462(RC);
.179(e)(4)[Rail sweeps]	
Design specification advisory	Anaconda;
.179(e)(6)(i)[Exposed parts guarded]	#13477(RC);78-2462(RC); 78-5940(RC);
Advisory as to cranes built before 8-31-71	#13320(RC); Pittsburgh;Anaconda;
.179(f)(2)(vi)[Holding brakes]	
Hazard does not have to be proved	#76-2293;
.179(f)(6)(i)[Bridge brake]	#15740;
Normal operating conds. defined	#13708(RC);
Maintenance not included	#13477(RC);
.179(g)(1)(v)	#79-162;79-3817;
.179(g)(2)(i)[Live parts not exposed]	#10825;13320(RC);14819(RC); 77-1545(RC);78-1568;Bethlehem #2;
Advisory re cranes before 8-31-71	#13320(RC);14948(RC);78-2467(RC);

STANDARDS (Cont.)
29 CFR 1910.179(g)(2)(i) (Cont.)

Maintenance not included	#13320(RC);
Qualified by .179(b)(2)	#10825(RC);Pittsburgh
.179(g)(2)(ii)[Elec. equip. protected]	#13477;
.179(g)(3) Design specification, advisory	Anaconda;
.179(g)(3)(ii)[Controllers]	#77-1545(RC);
.179(h)(2)(v)[U-Bolts on short ends]	#78-1799;
.179(i)[Warning device]	#76-1627;
.179(l)(3)(ii)[Adjustments]	#80-6960;
.179(j)(1)(ii)[Inspection procedure]	#3638;
.179(j)(2)[Frequent inspections]	#1128;1348;2096;76-5344(RC); 80-151;
.179(j)(2)(iii)[Insp. hooks]	#79-3817;
.179(j)(2)(iv) [Insp. of load attachs.]	#299;1039;79-3817;80-7140S;
.179(j)(2)(v)[Revoked 40 F.R. 27400]	#130;302;510;8330;12982(RC);
.179(j)(3)[Periodic inspection]	#2096;
.179(k)(1)(ii)[Determine trip setting of switch]	#78-1567;

STANDARDS (Cont.)

1910.179(k)(2)[Rated load test] Vague as to recordkeeping	#594;
.179(l)(1)[Preventive maintenance]	#7626(RC);
.179(l)(2)(i)(e)[2 cranes on same runway]	#5771;
.179(l)(3)[Adjustment & repair]	#594;12982(RC);78-5558;80-151;
.179(l)(3)(ii)[Examples of adj.]	#12982(RC);
.179(l)(3)(ii)(b) Limit switch need not be tested at full speed	#7626(RC);79-465;
.179(l)(3)(ii)(c)[Control System]	#78-1351(RC);78-1434;
.179(l)(3)(ii)(d)[Brakes]	#78-2474;
.179(l)(3)(iii)(a) Discard crane hooks	#241;
.179(l)(3)(iii)(c)[Defective parts]	#7626(RC);78-1351;78-1456;78-2474;
.179(m)[Rope inspection]	#227;
.179(m)(1)[Running ropes]	#299;594;1060;79-3817;80-7140S;
.179(m)(1)(ii)[Hazard of broken wires]	#241;714;
.179(n)(1)[Handling the load]	#77-2876;
.179(n)(3)(i) [Securing load]	#161;299;77-4458;80-3798;

STANDARDS (Cont.)

29 CFR 1910.179(n)(3)(vi)[No load over head] #76-288;77-4458;79-1615;79-5581;

.179(n)(3)(vii)[Test brakes] #299;

.179(n)(3)(x)[Person in charge] #79-4603;

.179(n)(3)(x)[Op. at controls w/load suspended] #78-1780;

.179(n)(3)(xi)[Use of warning] Construction of "and" #77-2202;

.179(n)(4)(i) #80-6712;

.179(n)(4)(ii) #80-6712;

.179(o)(2)(ii)[Nothing loose] #12982(RC);

.179(p)[Forklift horn] #79-3817;

1910.180(b)(2)[New & existing equip.] #12812(RC);78-3290(RC);

.180(c)(2)[Load rating chart] #2391;2568;10331;12812(RC);

.180(d)(3)(ii)[Insp. of control mech.] #12812(RC);

.180(d)(3)(vii)[Insp. for elec. malfunction] #10331;

.180(d)(5)(i)[Insp;idle crane] #79-5073;

.180(d)(6)[Inspection records] #2391;2568;2647;10331;12812;
13141;79-5073;

.180(e)(2)(i)[Records available] #78-1799;

STANDARDS (Cont.)

29 CFR 1910.180(g)(1)[Insp. of running ropes]	#522;10331;12812;
.180(g)(1)(vi)[Severe kinking etc.]	#5008;
.180(g)(2)(iii)[Insp. of non-rotating ropes]	#10331;
.180(h)(2)(i)[Hoist rope not wrapped around load] Telecomm. truck not covered by	#14588;
.180(h)(3)(ii)(b)[Handling the load]	#79-3431;
.180(h)(3)(iii)(b)	#80-6000;
.180(h)(3)(iv)[No dragging load]	#12633;
.180(h)(3)(v)[No moving w/anyone on hook]	#916;
.180(h)(3)(ix)[When outriggers used]	#2363;79-2209;79-5073;
.180(h)(4)(ii)[No one under load] Advisory only	#13010(RC);
.180(i)(5)(i)[Fire ext. in cab]	#890;10331;
.180(j)(1)(i) [Power line clearance (See 1926.550(a)(15)(i))]	#184;855;1481;1799;4307;9118(RC);13946;76-3010;77-2117(RC);79-3515;80-5810;
1910.181(g)(1)(i)[Running rope insp.]	#6971;
.181(i)(3)(iii)(a)	#80-6166;

STANDARD (Cont.)

29 CFR 1910.184(c)(4)[Loading slings]	#76-4063;
.184(c)(6)[Sling attached to load]	#77-3622;
.184(c)(7)[Slings padded]	#78-2365;78-5571;
.184(d)[Inspections]	#77-3622;
.184(e)(1)[Sling identification]	#77-3622;78-216;
.184(e)(3)[Inspections]	#77-3622;
.184(f)(5)(i)[Broken wires in sling]	#78-1977
.184(h)(5)(i)[Remove from Ser.-ab. wear]	#77-3622;

Subpart O[Machinery & Machine Guarding]

1910.212(a)[Machine guarding](See Machine Guarding)	#1302;1623;2453;
.212(a)(1) [Types]	#389;627;700;752;857;995;1039;1105;1119;1183;1234;1313;1315;1344;1575;1623;1716;1811(RC);1874;1885(RC)[Overruled by 12523(RC)];1951;2004(RC);2048(RC);2049(RC);2116;2117;2358;2542;2577;2887;3113;3116;3288;3300;3360;3527;3535;3624(RC);3641;3682;3982;4237;4387(RC);4859(RC);4979(RC);5375;6484;6628;6976;7408;7711;8274(RC);8692;8803;9311;9603;9758;9996;10096(RC);10347;11021;11228(RC);11344(RC);13401(RC);13417;13996(RC);14015;14065;76-647(RC);76-1656(RC);76-2945;77-1091(RC);77-2788;77-3338;77-3840(RC);77-3890(RC);77-4324;77-4476(RC);78-190;78-332;78-433;

STANDARDS (Cont.)

29 CFR 1910.212(a)(1) (Cont.)	#78-1384(RC);78-1595;78-1715; 78-2345;78-3468; 78-3491(RC); 78-4121;78-4510;78-4690;78-5192; 78-5311;79-569;79-828;79-898; 79-1209;79-2088;79-2586;79-2589; 79-3040;79-3167;79-5707;79-7165; 80-496;80-882;80-1509S;80-1759; 80-2827;80-6344;80-7140S; 81-130; 81-770;
Conveyor belts - Are they covered by?	#1243(RC);15500(RC);76-530(RC); 76-2551(RC);
Hazard defined	#3066;
Hazard must be established	#76-484(RC);
Lathe chucks	#76-484(RC);78-414(RC);78-1568;
Not vague	#77-2685;
"Point of operation" Automatic inspection point not	#78-4873;
R doesn't have to try guards of 217(c)(3)	#77-3951;
Sewing machine	#1511;1444;1916(RC);2043;
SOL must prove hazard exists	#76-3517(RC);76-4149;77-226; 77-3344;77-3917;Burgess;
.212(a)(2)[Secured elsewhere]	#76-8961(RC);78-1568;79-828; 79-2586;79-4588;
.212(a)(3)[Point of oper. guarding]	#11228(RC);

STANDARDS (Cont.)

29 CFR 1910.212(a)(3)(i)[Point of operation defined]	#2523(RC);12523(RC);13692(RC);78-4833;80-2532;80-5901;81-614;
.212(a)(3)(ii)[Type of guard]	#752;1263(RC);1288;1423;1622;1705;1810;1811(RC);1895;1906;2094;2276;2453;2597;2974;3075;3119;3329;3459;3490;3560;3564;4054;4212;4235(RC);4322;4935(RC);5241;5475;6007(RC);6077;6287;6731;6764;7491;7710(RC);7850;8597(RC);9231;9311;9553;9758;9892;9994(RC);9996;11037;11048;11644;11858;12648;12883(RC);13077;16200(RC);16265(RC);16307;76-647(RC);76-1410;76-1656(RC);76-2120(RC);76-3488(RC);77-672;77-705;77-1116; 77-893(RC);77-1894(RC);77-2788;77-3790;77-4019;77-4236; 77-4476(RC);78-29(RC);78-1595;78-2894(RC);78-4121;78-4690;78-4921;78-5311;78-5501;78-5818;79-162;79-2531;79-3040;79-3167;79-5413;79-5920(RC);79-6090;79-6223;80-234;80-2615;80-3530;81-614;81-671;81-801S;81-1375;
Ability to "inch" down is a safety device	#76-4636;
Applicability to maintenance personnel	#76-3921;
Applies to press brake	#78-327;78-4398;Diebold;
"Appropriate standard"	#76-3113(RC);
Burden of proof in	#76-4520(RC);
Catch all standard	Diebold;
Compliance required only if there is hazard	#76-93(RC);
Does not apply to conscious reaching in	#77-3880;

STANDARDS (Cont.)

29 CFR 1910.212(a)(3)(ii) (Cont.)

General standard	#7606(RC);
Guarding must be by a device	#12523(RC);
Fails to inform of how to comply	#3282;
Improperly enacted	#9352;
Not vague or ambiguous	#2408;5769(RC);Buckeye;
Only required where means exist	Diebold;
Presents no hazard	#9352;
Press brake covered by	#2004;2346(RC);2795(RC);2885; 3116(RC);4237;5022;6767(RC); 7721(RC);7925(RC);9496(RC); 16188(RC);79-4267;79-6442;Long Mfg. Co.;Irvington Moore;Diebold;
Promulgated properly	#5769(RC);12470(RC);
Punch press not covered by	#6767(RC);9496(RC);
Single end	#78-917;
Shear	#76-2617(RC);
SOL does not have to specify how to guard	#3620;
Source	#2346;3528;
Specific and mandatory	#3620;
Stricter than (a)(1)	#12523(RC);

STANDARDS (Cont.)

29 CFR 1910.212(a)(3)(iii)[Use of handtools]	#2687;6484;
.212(a)(3)(iv)[Machines req. point of operation guard]	#510;6696;79-4921;
.212(a)(3)(iv)(d)[Power presses]	#9994;76-2349(RC);
.212(a)(4)[Revolving drums]	#1516;7491;12496;16340;78-2236;80-385;
Container defined	#76-1435;
.212(a)(5) [Expos. of blades]	#251;741;752;961;1001;1183;1423;1516;1716;1951;2272;3133;3288;3601;3624(RC);4212;4785;6088;8116;9404;11048;12356;12840;13944;14065;76-1733(RC);78-1070;78-1848;78-5192;78-5311;79-3320;79-3817;79-4090;79-4194;79-4754;79-5521;79-7165;Milliken;
Hazard must be established	#76-4378;
.212(b) [Anchoring machinery]	#137;176;510;700;1183;1869;4144;78-5975;
1910.213[Woodworking machinery requirements]	
Invalid	#2920;
Promulgation valid	#3367(RC);5933(RC);7238(RC);7413(RC);7911(RC);10616(RC);
.213(a)(9)[Guarding belts, etc.]	#1045;1125;1191;1305;2218;
.213(a)(11)[Grounding frame]	#1716;2571(RC);
.213(a)(12) [Guarding cir. saw]	#1183;3490;
.213(a)(15)[Combs etc. in lieu of jig]	#15047(RC);15052;77-2588;

STANDARDS (Cont.)

29 CFR 1910.213(b)(3)[Present restart]	#79-1008;79-4194;
.213(b)(4)[Controls in easy reach]	#1830;
Advisory only	#7606(RC);
.213(b)(5)[Positive switch control]	#1318;
.213(b)(6)[Treadle protected]	#4212;
.213(c)[Hand fed ripsaws]	#961;979;1278;1761;1895;2218; 2339;3008;3853;4033;5216;5217;
.213(c)(1)[Hood guard]	#2446;5933(RC);7413(RC);8051; 9413(RC);14430;78-5284;79-6071; 81-2102;
Not vague	#3460(RC);79-6583;
.213(c)(2)[Spreader]	#945;1045;2446;4033;78-5284; 79-5546;79-6071;
.213(c)(3)[Nonkickback fingers]	#752;2446;4033;78-5284;
Not applicable to plywood	#9413(RC);79-5546;79-6071;79-6583;
.213(d)(1)[Circular saw guard]	#1045;1126;1191;1263;1305;1423; 1811(RC);2222;2271(RC);2568;2920; 3075;3418;3459;4212;4387;7292; 10657;12495;12840;77-2932;79-3316; 80-3645S;80-4487S;81-2102;
Experience no substitute for guard	#1900;
Not app. to saw in printshop	#1710;
.213(d)(2)[Spreader]	#2568;10657;
.213(g)(1) [Guarding swing cutoff saw]	#689;1191;1593;1728;1761;1883; 2004(RC);2437(RC);2482;2795;2887; 2920;3041;4734;5414;11167(RC); 77-672;79-162;79-6583;80-3102;

STANDARDS (Cont.)

29 CFR 1910.213(g)(3)[Limiting saw run]	**#1830;2096;3481;79-6583;**
.213(h)(1) [Guarding radial saw]	**#683;689;752;979;1039;1126;1423; 1593;1698;1716;1728;1761;1832; 1833;1874;1875;1895;2004(RC);2043; 2264;2265(RC);2270(RC);2339; 2437(RC);2446;2482;2571(RC);2714; 2795;3008;3041;3116;3167;3290; 3459;3814;3853;4017;4076;4212; 4407;4444;4825;5216;5217;5298(RC); 5412;5933(RC);5998;6007(RC);6605; 7292;8221(RC);8377;7911(RC); 10616(RC);11630(RC);12495;13077; 14046(RC);14240(RC);76-3052; 77-2876;78-1420;78-5284;79-1008; 79-1619;79-4194;79-4588;79-5546; 79-6071;81-694;Noblecraft;**
Guarding defined	**#1191;**
Not vague	**#3460(RC);**
Properly promulgated	**#2207(RC);3367(RC);6493(RC);**
Valid	**#1231(RC);1758(RC);2048(RC); 2314(RC);2944(RC);3367(RC);**
.213(h)(3) [Adjustable stop]	**#881;3119;3279;3812;7911(RC); 14046(RC);77-2876;81-694;**
.213(h)(4)[Front end raised]	**#881;1126;1506;2004(RC);2446; 2571(RC);4212;4316;6007(RC); 7911(RC);8377;12495;14046(RC); 76-484(RC);77-2876;78-1420; 78-5284;79-1619;79-4194;79-5546; 79-6071;81-694;**
Identical to 1926.304(f)	**#6605;**
.213(h)(5)	**#4968;**
.213(i)(1)[Bandsaw guarded]	**#793;1183;1263;2004(RC);7606(RC); 11167(RC);78-5975;**

STANDARDS (Cont.)

29 CFR 1910.213(i)(3)[Feed rolls guarded]	#793;
.213(j)(3)[Guard on horiz. head]	#2218;78-979;
.213(m)(1)[Cage for shaper head]	#1263(RC);1900;1960;2339;
Jig not a guard	#1263(RC);77-3770;
.213(m)(3)[Guarding feed rolls]	#78-1907;
.213(n)(1)[Cutting head guard]	#78-5975;
.213(p)(3)[Disc sander guard]	#2571(RC);77-3920;
.213(p)(4)[Belt sander guard]	#2218;2571(RC);10096(RC);
.213(q)(2)[Auto. feed veneer cutter]	#1009;80-1372;
.213(r)(3)[Guard for universal machine]	#76-2419(RC);
.213(r)(4)[Includes all machines]	#4734;7606(RC);14046(RC);
1910.215(a)(1)[Abrasive wheel guard]	#2597;3059;3375;3777;4212;5217; 5222;78-1595;80-2273;
.215(a)(2)[Guard design]	#1183;1305;1318;1694;1716; 1916(RC);2113;2446;2571(RC); 3418;4316;5747;7473;13077;16003; 76-1011;78-5311;79-1630;79-1924; 79-2586;80-3545S; 81-1120;81-1988S;
Access all that is required	#13507(RC);
.215(a)(3)[Flanges]	#2571(RC);
.215(a)(4)[Work rests]	#700;752;801;961;1318;1575;1694; 2339;2446;2571(RC);3116;5217; 6796;10095;10228;12272;13141; 77-1300;78-1595;78-2525;78-5311; 79-1630;79-2586;80-7140S; 81-1120; 81-1988S;

STANDARDS (Cont.)

29 CFR 1910.215(b)(2)[Guard exposure angles]	#2887;
.215(b)(3) [Bench & floor stands]	#714;805;2577;76-1101;
.215(b)(4) [Exp. of cyl. grinders]	#1183;
.215(b)(5)[Exp. of surface grinders]	#10095;10096(RC);11344(RC);
.215(b)(9)[Exposure adjustment]	#1916;2571(RC);3075;6316;78-5311; 78-5820;79-2586;80-3545S;80-7140S; 81-1120;
.215(c)(6)(i)[Blotters between flange & wheel]	#8862(RC);
.215(d)(3) [Surface of wheel]	#302;
.215(d)(4)[Bushing spear]	#8862(RC);
1910.216[Mills & calendars]	
.216(a)(3)[Inst. of auxiliary equip.]	#2960;
.216(b)[Mill safety controls]	#2960;
.216(c)[Calendar safety controls]	#2960;
1910.217(a)[Mechanical power press, general]	#1060;3528(RC);11644;76-4636; 79-3320;
History of	#76-896(RC);76-3270(RC);
.217(a)(2)[Old installations]	#1067;

STANDARDS (Cont.)

29 CFR 1910.217(b)(1)[Hazards from broken parts]	#77-1116;
.217(b)(3)[Full revolution clutch]	#1951;78-1595;
.217(b)(3)(i)[Single stroke mechanisim)	#79-6223; 81-1120;
.217(b)(4)(i) [Mech. press pedal]	#752;1039;1895;78-332;78-1595; 78-5311;79-2586;
.217(b)(4)(ii)[Nonslip pad]	#78-1595;78-5311;79-6223;
.217(b)(4)(iii)[Spec. for spring]	#78-1595;
.217(b)(6)(i)[Operator's control prot.]	#752;9553;78-2439;79-2813;
.217(b)(7)(v)(a)[Two hand control]	#78-1595;
.217(b)(7)(viii)[Spec. for clutch control]	#78-1595;
.217(b)(8)(i)[Main power disconnect]	#77-3951;78-235;78-5311;79-3320; 79-6223;80-3235;
.217(c)(1)(i) [Guarding nip point]	#1039;1060;1811(RC);13549(RC); 14315(RC);76-876;77-3543; 77-4009;78-235;78-1595;78-6127; 79-112;79-1008;79-3414;80-3235;
.217(c)(1)(i)[Employer provide point of operation guard]	#12883(RC);77-705;78-4398;78-5311; 79-3414;80-1229;80-2532; 81-1120;

STANDARDS (Cont.)

29 CFR 1910.217(c)(2)(i)(a)[Hand entry]	**#1067;16003;77-2616(RC);77-4192; 78-583;79-1630;79-6090;79-6223; 81-10S;**
.217(c)(2)(i)(b)[Permissible opening]	**#77-2616(RC);78-1595;**
.217(c)(2)(iii)[Fixed barrier]	**#77-2616(RC);**
.217(c)(3)(i)(e)[2 hand controls]	**#76-1816(RC);**
.217(c)(3)(iii)(f)[Guards if no sensing device]	**#78-1595;**
.217(c)(3)(iv)(d)[Inspect pull-back device]	**#78-235;**
.217(c)(3)(vii)[Safe distance]	**#76-3270(RC);**
.217(c)(3)(vii)(d)	**#78-5270;**
.217(c)(3)(viii)(c)[Distance control to work]	**#78-2439;**
.217(d)(1)(i)[Eliminate hazard in dies]	**#76-896(RC);**
.217(d)(4)[Guide post hazard]	**#78-583;**
.217(d)(5)	**#79-2531;81-1375;**
.217(d)(6)(i)	**#79-6223;**
.217(d)(9)(iv)	**#80-2378;**
.217(e)(1)[Records]	**#6484;**

STANDARDS (Cont.)

29 CFR 1910.217(e)(1)(i)[Employer maintain]	#77-677;78-2439;78-6127;79-1008; 79-3520;79-6223; 81-1120;
.217(e)(1)(ii)[Weekly inspection] Only applies to machine in use	#77-677;79-6223; #77-4009; 81-1120;
.217(f)(2)	#77-705;
.217(f)(3) [Work area]	#389;
.217(g)[Report of injury]	#78-6127;80-3235;
1910.218(a)(3)(iii)[Lockout]	#79-6331;
.218(b)(2)[Foot operated]	#79-6331;
.218(c)(1)(ii)	#79-6331;
.218(j)(3)[Conveyor equipment]	#79-557;
1910.219[Mechanical power transmission apparatus] Maintenance men exempt	#15548(RC);
.219(a)(1) [Power trans. belts]	#389;793;11109;76-1308;
.219(b)(1)[Flywheels]	#1875;3535;4144;5217;5694; 11167(RC);76-1308;78-4121; 79-4887;79-6223; 81-1120;
.219(c)	#76-1308;
.219(c)(2) [Guarding horz. shaft] Hazard must established	#988;1001;3375;4800;9808;12526; #76-4378;
.219(c)(3) [Guarding vert. shaft]	#1039;79-4754;

STANDARDS (Cont.)

29 CFR 1910.219(c)(4)[Projecting shaft ends]	#2047(RC);
.219(c)(4)(i)[Smooth edge]	#77-672;78-1070;78-1977;
.219(c)(4)(ii)[Unused keyways]	#78-1977;
.219(c)(5) [Guarding trans. dr.]	#991;2437(RC);
.219(d)[Pulleys]	#60;683;857;1183;1516;13077;
.219(d)(1)[Guarding]	#714;1001;1012;1336;1716;1830; 2004(RC);2047(RC);2231;2446; 3418;4237;4350;4415(RC);5008; 5747;7473;7848;9895;10104;14065; 16003; 16265(RC);76-1308;77-1713; 77-1967;77-3344;78-672;78-1595; 78-5311;78-6085;79-2586;79-4754; 79-5324;79-5413;79-5521;79-5573; 80-1552;80-1609;80-2974;80-3545S; 80-6490;80-6601;80-7140S;81-614; 81-1988S;
.219(e)(1)[Horizontal belts & ropes]	#60;689;857;881;995;1001;2047(RC); 2577;2706;3075;3375;4212;5998 7606(RC);
.219(e)(1)(i)[7' or less above floor]	#1039;1313;2272;2887;3777;4979(RC); 11167(RC);12496;13139;13944;14657(RC);76-1011;78-508;78-1595;78-5311; 79-4194;79-5324;79-5413;80-3545S; 80-6601;80-7140S; 81-1988S;
.219(e)(2)(i)[Overhead belts]	#78-5311;
.219(a)(2)(iii)(b)[Platform]	#80-6601;
.219(e)(2)(iv)[Overhead drive guards]	#1423;
.219(e)(3)(i)[Guards for vert. & inclined belts]	#961;1012;1593;1875;2571(RC);2714; 3601;4144;4800;5007(RC);5607(RC); 5656(RC);6316;6365(RC);6765(RC); 7629;7914;11167(RC);76-1011; 76-3015;78-3058;78-5311;79-685; 79-4194;79-5573;80-2974;80-6490;
Hazard must be established	#76-4378

STANDARDS (Cont.)

29 CFR 1910.219(f)(1)[Gears guarded]	**#683;961;1183;1423;2004(RC);3839; 4237;78-1107;78-6085;**
.219(f)(1)(i)[Complete enclosure]	**#3601;7711;9996;81-105;**
.219(f)(3)[Sprockets & chains]	**#995;1012;1039;1344;1516;1716; 2047(RC);2272;2687;2887;3119; 3682;3832;3839;3892;4237;4444; 4800;5026;7606(RC);7711;7854; 9996;10098;76-1011;78-187;78-4177; 78-4921;78-6085;79-898;79-4505; 79-5413;79-5521;80-882;80-6601; 81-614;**
.219(g)[Guarding friction drives]	**#1039;2332;**
.219(h)(1)[Guarding projections]	**#10098;**
.219(i)(1)[Collar specs]	**#7606(RC);**
.219(i)(2)[Coupling specs]	**#13944;77-1967;78-1568;**
.219(k)(1)[Guarding projecting parts]	**#78-1977;**
.219(m)[Standard guards, general]	**#857;**

Subpart P[Hand Tools & Equipment]

1910.242(a)[Hand & portable tools-safe condition resp.]	**#171(RC);961;1694;2571(RC); 12600(RC);**
Minor	**#78-3389;**
Responsible means	**#355(RC);**
.242(b)[Air hose pressure]	**#102;123;155;187;191;227;241; 414;456;509;605;608;640;700; 731;741;752;791;849;850;851; 961;988;1012;1105;1183;1302; 1694;1951;2004(RC);2113;**

29 CFR 1910.242(b)	#2571(RC);2983;3375;3601;3990;6018;6316;8280;10095;10096(RC);11116;11167(RC);13077;13141;13944;78-109;78-332;78-2665;78-4510;80-1759;
Improperly promulgated	#12460;
Origin of standard	#77-2588;
Removal or red. nozzle not employee misconduct	#12862(RC);
.242(c) [No such standard]	#227;
.242(d) [No such standard]	#227;
1910.243(a)(1)[Guard port. cir. saw]	#857;10098;11872;
.243(a)(1)(i)[Blade diameter over 2"]	#79-898
.243(a)(1)(ii)[Meat cutters excluded]	#3005;
.243(a)(2)[Switches & controls]	#995;
.243(b)(1)[Tool retainer]	#2739;
.243(c)(1)[Abrasive wheel, general]	#883;2597;2739;3392;79-4194;
.243(c)(1)(ii)(a)[Guard for spindle end]	#2792;
.243(c)(2)[Cup wheels]	#10648;
.243(c)(3)[Vertical port. grinders]	#78-2439;78-5820;79-1921;79-6138;

STANDARDS (Cont.)

29 CFR 1910.243(c)(4)[Other port. grinders]	#3304;
.243(c)(5)(v)[Need for blotters & flanges]	#77-3622;
1910.244(b)[Other port. tools-op. & maint.]	#161;1111;6007(RC);14523(RC); 80-4193S;80-5614;

Subpart Q[Welding, Cutting & Brazing]

1910.252(a) [Protective shield]	#368;1576;
.252(a)(i)(b)[Cylanders marked]	#80-7140S;
.252(a)(2)(ii)(b)[Inside storage]	#392;764;1694;1716;3005;3186;3287; 5126;6316;13077;79-5420;
.252(a)(2)(ii)(d)[Valve protection]	#2568;3005;3186;7473;78-1562; 79-2206;79-2586;79-4435;
.252(a)(2)(iv)(a)[Oxygen storage]	#171(RC);2577;6007(RC);
.252(a)(2)(iv)(b)[Not near generator]	#3186;
Minor	#171(RC);
.252(a)(2)(iv)(c)[Sep. from fuel-gas]	#227;258;299;714;935;995;1423; 1694;2004(RC);4316;4869;5653; 10920;13401(RC);76-1189;78-1562; 78-2666;78-5192;79-3624;79-3817; 79-4038;79-4135;79-5420;79-5493; 80-4711;
.252(a)(2)(iv)(c) "In storage discussed"	#2414

STANDARDS (Cont.)

29 CFR 1910.252(a)(2)(v)(b)(7)[Close valve]	#476;1012;77-2788;
.252(a)(2)(v)(c)(1)[Valve end up]	#199;215;1694;79-2445;
.252(a)(4)(iii)(b)[Location of piping]	#78-510;
.252(a)(4)(iv)(c)[Station outlet marked]	#78-510;
.252(a)(5)[Protective equip.]	#302;594;
.252(a)(5)(iv)(a)[Valve, etc. to prevent overflow]	#77-705;
.252(a)(5)(v)(f)[Hose repair]	#805;
.252(b)[Arc welding equipment]	#683;
.252(b)(2)[Application of arc welding eq.]	#531;
.252(b)(2)(iv)(d)[Welding lead term. prot.]	#7473;80-1759;
.252(b)(3)(i)[Installation of arc welding eq.]	#752;
.252(b)(4)[Op. & maintenance]	#531;1516;9107;
.252(b)(4)(ii)[Machine hook up]	#714;76-3816;
.252(b)(4)(vii)[Electrode holder]	#299;961;7987(RC);
.252(b)(4)(ix)(a)[Report of defects]	#76-1383;

STANDARDS (Cont.)

29 CFR 1910.252(b)(4)(ix)(c)[Cable & lead insp.]	#302;608;714;752;805;1060;1318;1423;2739;76-4636;79-6611;
.252(c)(1)(i)[Inst. & Op. of resist. equip.]	#2703;
.252(c)(2)(iii)[Goggle prot.]	#2739;76-2654;
.252(c)(2)(iv)[Guarding]	#3564;78-1595;
.252(c)(2)(v)[Shields]	#1576;
.252(c)(2)(vi)[Foot switches]	#3564;78-5311;
.252(c)(4)(ii)[Fire curtains]	#442;
.252(c)(6)[Maintenance]	#2703;78-5311;
.252(d)(1)[Basic fire precautions]	#13315(RC);
.252(d)(2)(ii)[Fire extinguishers]	#13315(RC);78-5311; 81-1988S;
.252(d)(2)(iv)[Insp. before working]	#7849;
.252(d)(2)(vii)[Relocation of combustibles]	#299;
.252(d)(2)(ix)[Combustible walls]	#13315(RC);
.252(d)(2)(xiii)(c)[Op. trained]	#13315(RC);
.252(d)(3)(i)[Cutting used containers]	#1477;

STANDARDS (Cont.)

29 CFR 1910.252(e)(1)[Personnel protection]	#2739;14249;
Platform defined	#79-2963;
.252(e)(1)(i)[Railing]	#76-4114(RC);79-1615;
.252(e)(2)[Eye protection]	#509;594;
.252(e)(2)(i)(a)	#79-162;
.252(e)(2)(i)(b)	#79-162;79-6223;
.252(e)(2)(iii)[Prot. from rays]	#191;1423;1716;2597;2739;2983; 4910;5566;10920;76-1056;76-2654; 76-4636;77-2691;80-7140S;
.252(e)(3)(i)[Protective clothing]	#1423;
.252(e)(4)(iv)[Lifelines]	
Not vague	#76-2566;79-6614;
.252(f)(1)(ii & iii)[Vent. & screens]	#368;935;
.252(f)(2)[Ventilation, gen. welding]	#258;.594;
Minor	#171(RC);
.252(f)(2)(i)[General]	#262;299;752;
.252(f)(2)(i)(c)[Confined space]	#299;
Curtained welding space	#262;
.252(f)(2)(ii)[Minimum rate]	#262;
.252(f)(3)(i)[Hoods]	#4457;
.252(f)(4)[Venting confined space]	#77-1807(RC);Bethlehem IV

STANDARDS (Cont.)

29 CFR 1910.252(f)(5)[Fluorides]	#77-1807(RC);Bethlehem IV;
.252(f)(9)[Cadmium]	#1951;

Subpart R[Special Industries]

1910.261(b)(2) (See 1910.132(a))[Pulp mills, etc.]	#676;
Not vague where industry knew hazard	#78-139;
.261(b)(4)[Lockouts]	#1815;
.261(h)(2)[Bleach mixing rooms]	#676;
1910.262(c)(3)[Textile machine guarding]	#11109;
.262(d)(4)[Remove foreign iron material]	#2430;
.262(o)[Shearing machines]	#1183;
.262(pp)[First aid]	#2477;
1910.263(a)(2)[Bakery standards inc. by ref.]	#2272;
.263(e)(1)(iii)[Mixer motors]	#2272;
.263(e)(1)(iv)[Location of control]	#2272(RC);
.263(e)(1)(vii)[Mixer spec.]	#2272;
1910.265 [Logger unloading at mill]	#237;1191;

STANDARDS (Cont.)

29 CFR 1910.265(c)(1)[Bldg. safety factors]	#1221;1694;78-4070;
.265(c)(3)(iv)[Nonslip floors]	#2887;
.262(c)(4)(i)	#78-4070;
.265(c)(4)(ii)[Maintenance]	#445;7606(RC);
.265(c)(4)(iv)[Elevated walks]	#1318;7911(RC);16093(RC);
.265(c)(5)(i)[Safety factor in bldgs.]	#4734;
Not vague	#3460(RC);
.265(c)(8)[Vats & tanks guarded]	#1191;
.265(c)(10)[Ladders]	#1318(RC);
.265(c)(12)(i)[Spec. for elec. eq.]	#1318(RC);
.265(c)(12)(iii)[Identify elec. eq.]	#16183(RC);
.265(c)(16)[Flammable liquids]	#1318;
.265(c)(17)(ii)[Prot. equip. handle chem.]	#4734;
.265(c)(18)(i)[Conveyor standards]	#838;1020;1221;1228;2887;5415; 16093(RC);
Advisory only	#5415;7606(RC);10639(RC);
.265(c)(21)(i)[Chipper location]	#4734(RC);7292;10906;
.265(c)(21)(ii)(b)[Hog feed chutes]	#4734(RC);
Vague	#2887;

STANDARDS (Cont.)

29 CFR 1910.265(c)(22)[Mech. power trans. apparatus]	#1191;1231(RC);1318;1694;1728; 1758(RC);1763;1823;1861;1883; 2028;2047(RC);2973;3179;3459;3490; 3892;4734;7854;
Not substantive regulation	#1761;
Not vague	#3460(RC);
.265(c)(24)(ii) [Sawmills only]	#1284;
.265(c)(24)(v)[Ropes or cables]	#1318;
.265(c)(26)(viii)[Cables, socketing etc.]	#838;
.265(c)(27)(i)[Pile foundation]	#1020;1231(RC);1758(RC);
.265(c)(27)(ii)[Stocking dissimilar units]	#473;1020;
.265(c)(27)(iv)[Stickers]	#473;1020;
.265(c)(30)(ii)[Warning signals, etc.]	#509;1318;2887;
.265(c)(30)(ix)[Brakes]	#509;
.265(c)(31)(iii)[Pickup points]	#1191;
.265(d)(1)(i)(a)[Stakes, etc., that trip]	#403;
.265(d)(1)(i)(b)[Release of binders]	#237;1221;1968;3179;4635;
.265(d)(1)(i)(c)[Side to release on]	#1968;

STANDARDS (Cont.)

29 CFR 1910.265(d)(1)(ii)(e)[Ht. of unloading dev.]	#689;
.265(d)(2)(iii)(g)[Prot. working on water]	#624;1228;
.265(d)(2)(v)[Dry deck storage]	#2887;
.265(d)(4)(iii)[Area around mech. barker]	#1221;
.265(d)(4)(iv)[Enclose hyd. barker]	#2028;
.265(e)(v)[Signs]	#1228;2887;4734;
.265(e)(vii)[Sweeping device]	#7606(RC);
.265(e)(2)(ii)(c)[Guard bardsaw]	#838;
.265(e)(2)(iv)[Spec. for twin cir. saw]	#1191;
.265(e)(4)(ii)[Trimmer saw guard]	#689;1228;2048(RC);
.265(e)(4)(ii)(b)[End saw guarded]	
Guarding defined	#1228;
Not vague	#2049(RC);
.265(e)(5)(ii)[Guard edger]	#1694;
.265(e)(5)(iii)[Antikickback dev.]	#509;1694;10906;
.265(e)(6)(i)(c)[Guard pressure feed roll]	#1694;1883;2887;3179;7606(RC);

STANDARDS (Cont.)

29 CFR 1910.265(g)[Personal prot. equip.]	#1318;
.265(h)[Sanitation]	#1369;
.265(i)[Fire prot.]	#1318;2437(RC);
1910.266(e)(1)(i)[Work areas]	#7092;
.266(e)(1)(iv)[Lodged trees]	#7092;
.266(e)(2)(ii)[Manual felling, study site]	#7092;
1910.267(a)[See 1928.21]	#1671;
.267(b)[Exemptions]	#1671;
1910.268[Telecommunications]	#76-3010(RC);
.268(d)(1)[Traffic Control Devices]	#80-3866;
.268(h)(8)(i & iii)[Metal manhole ladder]	#14761(RC);Southwestern;Bell;

Subpart S[Electrical]

1910.303(a)[Approval]	#81-1975;
.303(f)[Identification]	#81-1975;
.303(g)(2)(i)[Guarding]	#81-1975;
1910.304(e)(1)(i)[Overcurrent protection]	#81-1975;
.304(f)(4)	#81-1530; 81-1975;

STANDARDS (Cont.)

29 CFR 1910.305(g)(1)(iii)(a)[Flexible cards non-use]	#81-1975;
.305(g)(1)(iii)(b)[Flexible cards non-use]	#81-1975;
1910.308[Electrical]	#1183;1716;2218;2332;5225(RC);5487;10483;13591(RC);76-5344(RC);
.308(b)[Purpose of NEC]	#207;
.308(c)(2)(v)[Insts. not covered]	
Exemption	
Burden of proof on R	#12774;
1910.309[NEC]	#1183;2113;3392;76-5344(RC);78-3110;79-1552;(RC);
.309(a)	#991;995;1060;1078;1305;1516;1575;1593;1716;1868;2113;2218;2339;2535;2577;2731;2840;2983;5249;5560;11048;13401(RC);76-1101;77-2014;79-199; 79-1277(RC);79-4135;79-6494;80-385;80-573;81-239;
Class II Div. 2	#78-3110;
Section 70	#1971;3393;4115;79-2288;
110.11	#78-672;
110.12	#77-2526;
110.14(a)	#78-3684;
110.14(b)	#3638;76-415;77-2876;

STANDARDS (Cont.)
29 CFR 1910.309(a) (Cont.)
Section 70 (Cont.)

110.17	**#1951;3393;3641;4237;4419(RC);11523;12496;13591(RC);**
110.17(a)	**#1313;1694;2095;2272(RC);2601;3133;3287;3288;3329;3773;4237(RC);5216;6566;10648;12459;13077;14687;76-415;76-4636;77-705;78-1490;78-5192;78-5743;79-2249;79-3040;79-6331;79-6635;**
"Live parts" not defined	**#77-2876;**
110.17(b)	**#76-4398(RC);78-1595;**
110.21	**#10705;11167(RC);**
110.22	**#1012;1830;2004(RC);4237(RC);5873(RC);10705;11167(RC);14617;79-4194;**
210-7	**#78-6177;**
230-102	**#1951;**
250-5	**#1313;1951;**
250-5(b)(1)	**#3288;3564;4237(RC);5225(RC);**
250-42(a)	**#3288;10096(RC);11167(RC);78-1595;81-7140S;**
250-43(a)	**#1694;**
250-45(a)	**#1313;3601;9404;10228;10705;77-1158;78-5845;**

STANDARDS (Cont.)

29 CFR 1910.309(a) (Cont.)

Section 70 (Cont.)

250-45(d)	**#1012;1694;1830;1951;2272;3005; 3641;4017;4144;4212;6088;10095; 13077;13944;76-787(RC);76-4636; 78-1848;78-1907;78-5192;78-5845; 78-5975;79-5420;79-6635;**
250-51	**#3601;14430;78-1907;78-5311; 79-1505;79-6223;**
259-59	**#2446;**
300-15(b)	**#78-4921;**
310-2(b)	**#77-705;**
370-18(c)	**#78-3019;**
380-4	**#14173(RC);**
400-3(a)(6)	**#4415(RC);**
400-3(b)	**#1313;**
400-4	**#1694;3119;3638;4237(RC);4415(RC); 5426;11523;12496;14430;77-1158; 78-5311;80-1759;**
Machine tool not a structure	**#76-940;**
400-5	**#1694;2272;4979(RC);77-2876;**
400-10	**#77-2762;**
410-52(d) Amperage not established	**#78-5249;**

STANDARDS (Cont.)
29 CFR 1910.309(a) (Cont.)
Section 70 (Cont.)

410-55	#78-5311;
422-8(b)	#3601;
430-86	#80-1526;
430-107	#78-1907;
430-132(a)	#80-1526;
500-5(a) Class II, Div. 1, Grain elev. as	#78-6177;
500-5(b) Div. II	#80-5309;
501-4(a)	#78-454;78-1595;
501-6(a)	#78-454;78-1595;
501-8(a)	#79-5496;
501-9(a)(1)	#10483;78-454;78-1595;
501-10(a)	#78-454;
501-12	#78-454;78-1595;
502-1(b)(1)	#80-5309;
502-4(a)(1)	#78-4065;78-4066;

STANDARDS (Cont.)
29 CFR 1910.309(a) (Cont.)
Section 70 (Cont.)

502-4(b)(1)	**#78-987;**
502-6(a)(1)	**#78-4066;**
502-6(b)	**#78-987;**
502-8	**#78-3133;**
502-8(b)	**80-5309;**
502-11(a)(1)	**#12306;**
502-11(b)(2)	**#80-5309;**
502-13(a)	**#78-4066;**
502-13(b)	**#12600(RC);80-5309;**
503-3(b)	**#80-5309;**
503-4	**#11167(RC);**
503(9)(a)	**#80-5309;**
503-11	**#80-5309;**
516-3(c)	**#78-1595;**
.309(b)	**#5222;78-1107;78-2499(RC); 79-2249;79-6083;79-6736B; 81-239;**

STANDARDS (Cont.)

29 CFR 1910.310(d)	#137;683;
Minor	#171(RC);
.310(e)	#258;
.310(f)	#683;
.310(h)	#683;
.310(i)	#605;700;
.310(i)(2)	#134;779;
Minor	#171(RC);
.310(i)(5)	#594;
.310(j)(1)	#60;61;258;476;583;594;793;
Minor	#171(RC);
.310(j)(2)	#594;
.310(m)	#302(RC);594;
Only applies to const. of elec. installations	#302(RC);
.310(o)	#476;
Minor	#171(RC);

STANDARDS (Cont.)

29 CFR 1910.314(a)(3)	#91;346;
.314(d)	#60;102;398;683;
.314(d)(1)	#439;594;
.314(d)(1)(iii)	#176;187;392;414;439;605;
.314(d)(1)(iv)	#640;752;
.314(d)(2)	#251;476;
.314(d)(4)	#48;123;155;251;258;434;459;509; 829(RC);
.314(d)(4)(iii)	#61;91;187;250;414;479;665;
.314(d)(iii)(c) [Ungrounded cord]	#52;237;250;434;439;442;605;640; 779;801;
Adapter furnished	#298(RC);
.314(d)(4)(iii)(d)	#48;61;298;392;398;434;
.314(e)(1)	#752;
1910.315(d)	#134;
Minor	#171(RC);
.315(f)	#60;
.315(n)	#60;346;700;752;
.315(n)(4)	#91;155;191;250;258;392;988;
Minor	#181(RC);

STANDARDS (Cont.)

29 CFR 1910.316(a)	#187;414;442;499;583;805;
.316(c) Minor	#68;250;583;605;683;700;1302; #171(RC);
.316(d) [Splicing cord]	#60;102;250;398;760;
1910.324(e)(2)(ii)	#241;
1910.326(h)	#741;
.326(k)(1)	#594;

Subpart T[Commercial Diving]

1910.410(a)(4)	#79-731;
.410(c)(1)	#79-731;
1910.420(a)[Safe practices manual]	#77-4234;
1910.421(b)[Call numbers]	#77-4234;
1910.422(c)(1)(i)[Two way systems]	#77-4234;
.422(c)(2)[Two way system location]	#77-4234;
.422(i)(4)[Working interval termination]	#77-4234;
1910.425(c)(1)[Diver tended]	#77-4234;
1910.430(c)(3)(i)[Umbilical marked]	#77-4234;
.430(j)(2)[Weights & Harness]	#78-1618;

STANDARDS (Cont.)

Subpart Z[Toxic & Hazardous Substances]

29 CFR 1910.1000(Previously 1910.93)[Air contaminants]	#337;1369;4349;6742;13442(RC); 13916(RC);76-1720;77-1133(RC); 79-1618;
.1000(a)	#368;389;722;1919;2185; 77-2545(RC);78-4674;
.1000(a)(2)[8-hour time weighted average]	#5566;76-3816;77-1074; 77-1807(RC);
Carbon monoxide	#77-349(RC);
Coal tar pitch	#2896(RC);5594;7737(RC);78-144; 78-3419(RC);
Valid as to steel industry	#2975;
Chlorine	#4871;
Copper fumes	#78-4392;79-769;
Ethylene oxide	#79-6604;
Cotton dust	#722;1422(RC);2274(RC);2873; 5625;12597(RC);
Fluoride	#13916(RC);Bethlehem IV;
Iron oxide fumes	#10920;78-439;78-4580;79-769; 79-1358;81-231;
Lead and copper	#2311(RC);3359;79-3009;
Silica dust	#3336(RC);7359(RC);8303;9666;
Even though employee properly masked, R must still seek feasible eng. & adm. controls	#7359;
Controls that impairs quality not feasible	#7359;

STANDARDS (Cont.)

29 CFR 1910.1000(a)(2) (Cont.)

Silver nitrate and oxide	#77-1811(RC);
.1000(b)(1)[Table - 8 -hour TWA]	#368;2185;2311;3336(RC);3632;3957;76-4636;77-2207;77-2235(RC);79-3009;
Chromate	#76-4388;
Lead	#76-4388;78-5459;
Mercury	#563;77-2235;
.1000(b)(2)[Acceptable concentration]	#78-1269;
.1000(c) [Dust]	#3336(RC);3813;4678(RC);5026;76-3431;76-3816;77-787;77-2484;79-3009;79-4549;Hermitage;
Nuisance	#77-672;78-2696(RC);
Properly adopted	#4678(RC);Hermitage;
.1000(d)(2)(i)[Computing exposure] Unenforceable	#76-3816;77-3177;
.1000(e)[Adm. & eng. controls det.]	#722;1600;1942;2873;2975;3336(RC);3449;4349;5306;9666;12597(RC);76-3431;76-4636;77-1074; 77-1807 (RC);77-2235(RC);77-2545(RC);78-4392;79-3009;79-4549;80-4340; Bethlehem IV;
Chlorine	#4871;
Coal tar pitch	#78-3419(RC);
Copper & Iron Oxide	#79-769;
Iron Oxide	#78-4580;79-1358;81-231;

STANDARDS (Cont.)

29 CFR 1910.1000(e) (Cont.)

Lead	**#78-5459;**
Mercury	**#77-2235;81-407;**
Silver nitrate and oxide	**#77-1181(RC);**
Sulphur dioxide	**#78-3019;**
Not sep. viol. from (a)(1) (But see #78-4392)	**#78-1455;**
Not sep. viol. from (b)(1)	**#77-2235;**
Properly adopted	**#4678(RC);**
Toluene	**#78-4674;**
.1000(g)(1)(i)[Caution signs]	**#79-4080(RC);**
1910.1001[Asbestos]	
Properly promulgated	**#10757;77-2039(RC);78-555(RC);**
.1001(a)	**#10757(RC);**
.1001(b)(1)	**#2692;3359;3957;6191;77-3040(RC);77-3542(RC);79-4080(RC);81-407;Rockwell;**
.1001(b)(3)	**#2692;3957;10757;Rockwell;**
.1001(c)(1)	**#2692;3957;11983;13732(RC);Rockwell;**
.1001(c)(2)	**#78-6257;**
.1001(c)(2)(i)	**#78-414;**

STANDARDS (Cont.)

29 CFR 1910.1001(c)(2)(iii)	#13102(RC);78-2419(RC);
.1001(d)	#6191;10757(RC);
.1001(d)(2)	#78-6257;
.1001(d)(3)	#3957;10757;
.1001(d)(4)	#3957;4804(RC);10757;
.1001(d)(4)(ii)	#10757;
.1001(d)(4)(iii)(b)	#4804(RC);
.1001(d)(4)(iii)(c)	#4804(RC);
.1001(f)[Monitoring]	#4804(RC);10757;11756(RC);76-73; 78-414;78-741(RC);78-6120;79-2969;
Actual release must be established	#13442(RC);
.1001(f)(1)[Initial determinations]	#78-4723(RC);
.1001(f)(3)(i)	#4804(RC);78-6120;79-4080(RC);
.1001(g)(1)[Caution signs]	#6191;76-73;
.1001(g)(1)(i)[Posting]	#3957;4804(RC);10757;77-2526; 79-6918(RC);
.1001(g)(2)(i)[Labeling]	#3957;77-2526;78-414;78-741(RC); 78-6257;79-2039(RC);79-6918(RC);
.1001(h)(i)[Cleaning]	#3957;4804(RC);6191;77-2526; 78-773;79-2711;
Excessive concentration	#76-2025;
.1001(h)(2)	#78-414;78-6257;79-6918(RC);

STANDARDS (Cont.)

29 CFR 1910.1001(i)(1)[Record keeping]	#6191;78-6120;
.1001(j) Any amount requires comp.	#6191;7355;5003(RC);10757; 11756(RC);GAF
Valid standard	GAF
.1001(j)(2)[Preplacement med. exam.]	#13102(RC);76-73;77-2039(RC); 78-414;78-741(RC);78-773; 80-2196;81-246;81-407;
.1001(j)(3)[Annual exam]	#4804(RC);12748(RC);13102(RC); 77-2039(RC);77-2484;78-414; 78-741(RC);78-6120;80-2196;
Medical exam.required even when conc. below table	#5003(RC);8902;
.1001(j)(4)[Termination exam]	#77-2039(RC);
1910.1007(e)(5)[Training]	#1495(RC);
1910.1017 (Previously .93q)[Vinyl chloride]	
.1017(b)[Definition]	Western Elec.;
.1017(c)(1)	Western Elec.;
.1017(c)(3)	Western Elec.;
.1017(j)	#78-4862(RC);
.1017(j)(1)(ix)	#13693;
.1017(m)(1)	#13693;
.1017(m)(2)(i)(6)	#13693

STANDARDS (Cont.)

29 CFR 1910.1017(n)(2)[Report emerg. w/i 24 hours]	#76-150;
1910.1025(c)(1)[Excessive exposure]	#80-749;81-231;
.1025(d)(2)[Determination of exposure]	#80-5983;81-231
.1025(d)(6)(ii)[Repeat monitoring]	#80-5893;
.1025(d)(8)(ii)[Written notice]	#80-749;
.1025(e)(2)[Respirators]	#79-3009;
.1025(f)(1)[Respirators]	#81-231
.1025(f)(1)(iii)[Respirators]	#80-749;
.1025(f)(2)(i)	#79-6221
.1025(f)(3)(i)[Respirator fitted]	#79-3009;
.1025(f)(3)(ii)[Fit tests]	#81-231;
.1025(f)(4)(i)[Respiratory protection program]	#80-749;81-231;
.1025(g)(1)(i)[Coveralls]	#81-1251P;
.1025(g)(1)(ii)[Gloves, hats etc.]	#80-5893;81-1251P;
.1025(h)(1)[Surfaces]	#80-5893;

STANDARDS (Cont.)

29 CFR 1910.1025(j)(1)(i)[Medical Surveillance]	#80-5893;
.1025(j)(2)(i)[Sampling]	#80-5893;
.1025(k)(2)(i)	#80-4256;
.1025(k)(2)(ii)	#80-4256;
.1025(k)(2)(iv)	#80-4256;
.1025(n)(4)(i)[Names and S.S. Nos.]	#80-2267;
.1029[Coke oven emergency]	#79-7223A;
.1029(e)(1)(iii)[Air samples]	#78-1923;
.1029(f)(1)(i)(a)[Date to institute controls]	#78-1362;
.1029(f)(4)(i)[Filtered air]	#78-1362;
.1029(f)(4)(ii)[Standby pulpit air control]	#78-1362;78-1923;
.1029(f)(6)(ii)(e)[Sched. for implementing controls]	#78-1362;
.1029(g)(1)(ii)[Resp. disc. until 1-20-78]	#78-144;80-119;
.1029(h)(2)(iii)[Cleaning etc. of prot.cloth.]	#78-1362;
.1029(i)(3)[Lunch room air controlled]	#78-1923;
.1029(i)(5)(i)[No food in req. area]	#78-1362;

STANDARDS (Cont.)
29 CFR 1915[Ship repairing]

1915.1(b)[Re Coast guard]	#77-805(RC);
1915.2(m)[Confirmed space]	#76-1201(RC);
1915.11(c)(1)(i)[Test atmosphere]	#691;76-1408(RC);78-3054;
.11(c)(1)(ii)[Sealed compartments]	#691;76-1408(RC);
1915.12(a)(3)[Tests before cold work]	#77-3540;
.12(f)[Lights in hazardous area]	#7;
1915.13(a)[Cert. before hot work on tank vessel]	#7;1979;
.13(a)(2)(i)[Cert. before hot work on dry cargo vessel]	#77-1527;
1915.14(d)[Competent person to inspect]	#77-3540;
1915.15(c)[Warning signs]	#78-1324;
1915.21(c)(1)(iv)[Dead man devices]	#79-3295;
1915.23(c)(1)(iv)[Abrasive blasting dead man control]	#1321;2391:77-1950;
.23(c)(3)(ii)[Abrasive blasting protection]	#2391;76-4905(RC);

STANDARDS (Cont.)

29 CFR 1915.24(a)(1)(iii)[Respirator using toxic paint]	#1321;
1915.31(a)(1)[Mech. vent. during welding]	#1321;
.31(b)(1)[Confined space]	#79-1021;
.31(c)[Welding toxic materials]	#77-1527;
.31(e)(2)[Eye protection]	#544;
1915.32(e)[Add'l. fire prot. req.]	#12877;
.32(g)[Control of torch cut-off]	#6;78-3054;76-1201(RC);
1915.35(a)(1)[Handling gas cylinders]	#2391;
.35(a)(8)[Close valves]	#354;480;1321;
.35(a)(9)[Secured in upright position]	#2391;
.35(b)(2)[Keep away from elec.]	#354;480;
.35(e)(1)[Containers identified]	#589;
.35(h)[Pressure regulators]	#354;480;
1915.36(b)(4)[Cables in poor repair]	#1321;

STANDARDS (Cont.)

29 CFR 1915.41(a)(8)[Open flame near ropes]	#21;
.41(a)(10)[Crane hook]	#76-4905(RC);
.41(e)(1)[Spec. for supporting hooks]	#2869;
.41(e)(4)[Scaffold end support]	#2869;
.41(h)(2)[Platform width]	#6;21;1556;2391;
.41(i)(1)[Railings]	#6;21;161;1321;2391;2869;79-2307;
.41(i)(2)[Rail spec.]	#1321;
.41(i)(3)[When rails may be omitted]	#21;2869;76-4905(RC);
.41(j)(1)[Fixed ladder]	#79-2307;79-2922(RC);
.41(j)(5)[Access from above]	#1556;2869;
1915.42(a)(1)[Use of def. ladders]	#12139;
.42(a)(3)[Securing port. ladders]	#12139;
1915.43(a)[Deck holes covered]	#36;1556;2391;78-1907;79-4135;
.43(b)[Open hatches]	#79-5025;
.43(c)[Unguarded edges]	#2357;79-4135; 80-3358;
.43(d)[Prot. near edge of vessel]	#2357;2391;77-1527;
.43(e)[Guarding exposed bilge]	#15908(RC);79-5025;79-5971; 80-3358;

STANDARDS (Cont.)

29 CFR 1915.44(a)(1)[Access to vessel afloat]	#354;480;15825;78-5444;
.44(c)(2)[Ramp for barges, etc.]	#2391;
1915.45(a)[Access to floating drydock]	#2357;
1915.47(b)[Working aloft]	#1556;80-5153;
1915.51(a)[Housekeeping]	#93;97;161;1556;2391;8342(RC); 10098;12516(RC);12734;15317(RC); 79-5025;79-5971;80-6793; Bethlehem I;
1915.52(a)[Lighted work area]	#93;161;12734;
1915.53(B)(1)(i)	#80-2677;
1915.55(a)[Working near radiation]	#6745(RC);
1915.57(c)[Records re hazardous material]	#2391;
.57(d)[Instruct employees]	#80-6793;
.57(e)[Employer provide controls]	#78-144;
1915.64(c)[Chain fall overhead support]	#1321;6745(RC);15908(RC);
1915.65(a)[Derrick, etc. certification]	#77-585;

STANDARDS (Cont.)

29 CFR 1915.66(c)[Load tag lines]	#6745(RC);
Every load does not require	Bethlehem III
.66(i)[Load not over heads]	#77-3204;
.66(m)[Hatch completely open]	#1248;
.66(o)[Employees warned of load]	#77-3204;
1915.71(g)[Air hose labeling]	#1321;
1915.72(a)[Port. tool grounding]	#354;480;10098;
.72(c)[Port. tool switches]	#1321;
1915.81(b)(1)[Face protection]	#2082;5079;79-5971;
1915.82(a)(1)[Respiratory prot., general]	#78-144;
.82(a)(2)[Respiratory equip. insp.]	#78-144;80-4398;
.82(a)(3)[Equip. not cleaned]	#80-4398;
.82(a)(4)[Training in equip. use]	#80-4398;
.82(c)(2)(i)[Air line resp. need]	#93;
1915.83(a)[Hard hats]	#2869;
.83(f)[Gloves]	#78-3207;

STANDARDS (Cont.)

29 CFR 1915.84(c)(1)[No. of life rings]	#589;2357;2391;
.84(c)(4)[Ladder escape route]	#87;12139;
.84(d)	#161;
1915.92	#77-277;
1915.111(a)[Deenergize circuits]	#78-3207;
.111(b)[Deenergize method]	#78-3207;
29 CFR 1916[Shipbuilding related activity dist.]	
1916.2(d)[Definition]	#14818(RC);
.2(m)[Confined space]	#77-1807(RC);
1916.10(a)(1)	#79-6635;
1916.24(a)(1)(i)[Toxic paint in conf. space]	#1487;
.24(a)(1)(iii)[Resp. in large areas]	#11011(RC);
1916.31(a) & (b)[Mech. vent. & confined space]	#77-1807(RC);Bethlehem IV
.31(a)(1)(iv)[Exhausting cont. air]	#76-291;

STANDARDS (Cont.)

29 CFR 1916.31(b)(1)[Confined space]	
Not vague	#16317(RC);
1916.32(g)[Control of torch cut-off]	#6;
.32(i)[Moving containers for flammables]	#77-2762;
1916.35(a)(1)[Handling gas cylinders]	#77-1967;
.35(a)(7)[Steadying tanks while in use]	#1281;
.35(a)(9)[Cylinders secured]	#354;
.35(b)(2)[Keep away from elec.]	#354;
.35(b)(4)[Cylinders not in confined area]	#77-2762;
.35(h)[Pressure regulators]	#354;
1916.36(b)(3)[Insulated connectors]	#76-3444(RC);78-3198;
.36(b)(4)[Cable condition]	#77-2526;
.36(c)[Grounding machines]	#77-705;
.36(e)	#77-2526;
1916.41(a)(1)[Scaffold spec.]	#77-4263;
.41(a)(5)[Safe & secure scaffolds]	#76-3444(RC);77-4263;
Not app. to vessel on blocks in Ca.	#76-291;
.41(f)(5)	#77-2762;

STANDARDS (Cont.)

29 CFR 1916.41(h)(2)[Platform width]	#77-2089;77-2762;
.41(i)(1)[Platform railing] Required during dismantling if used to perform work	#6;76-3444(RC);77-2762;78-3198; Nat. Steel
.41(i)(2)[Rail spec.]	#77-2762;
.41(i)(5)[Toeboard]	#76-3444(RC);77-2762;
.41(j)(1)	#79-6635;
.41(j)(2)[Ramp handrails]	#6;
.41(j)(5)[Access to staging from above]	#77-2762;
1916.42(a)(1)[Use of defective ladders]	#77-2762;
.42(a)(3)[Securing port. ladders] "In use" discussed	#77-2526;77-2762; #1281(RC);79-5493;79-6635;
1916.43[Guarding deck openings]	#76-1481(RC);76-3444(RC);77-2526; 79-2984;79-6635;
.43(b)[Prot. deck opening]	#77-1967;77-2663;77-2762;
.43(c)[Guarding deck edge]	#16311(RC);76-3444(RC);77-2526; 78-3393;79-5493;79-6166;
.43(d)[Flotation gear]	#77-2762;
.43(e)[Guarding bilge opening]	#76-291;

STANDARDS (Cont.)

29 CFR 1916.44(a)(1)[Access to vessels afloat]	#354;
.44(a)(2)[Gangway railing]	#354;
1916.51(a)[Housekeeping]	#12311(RC);13799(RC); 14818(RC); 16317(RC);76-1481(RC);76-3444(RC); 77-2762;78-1907;
Aff. defense to	#13155;77-2762;
"In use" exception	#12311(RC);13155(RC);16317(RC);
Net usage	#12311(RC);
.51(b)[Debris & const. mat.]	#12510(RC);77-2762;
.51(c)[Eliminate slippery conditions]	#76-291;
Does not apply to weather conds.	Dravo
1916.52(b)[Temporary light specs.]	#3833;77-2762;
1916.57(c)[Records re hazardous material]	#1487;76-360(RC);76-437(RC);
.57(d)[Instructions re hazards]	#1487;
.57(e)[Controls & Protection]	Bethlehem IV
1916.58(a)	#79-6635;
1916.62(b)(2)[Protruding ends of wire strands]	#76-360;
1916.65(a)[Derrick, etc., certification]	#13799(RC);77-585;

STANDARDS (Cont.)

29 CFR 1916.66(i)[Loads overhead]	#76-1481(RC);77-2526;
.66(o)[Employees warned of load]	#77-2526;
1916.67(b)[Qual. of crane, etc., operators]	#4350;
1916.72(a)[Port. tool frame grounding]	#354;
1916.73(d)[Cond. of wooden handles]	#77-705;
1916.81(c)[Eye protection]	#78-3198;
1916.82(a)	#79-6635;
1916.83(d)	#79-6635;
1916.84(c)(4)[Water escape ladder]	#77-2526;
29 CFR 1917	
1917.10(c)[Logging test]	#78-78;
1917.13(a)[Testing hot work in open]	#78-78;
.13(b)(2)(iii)[Hot work below deck, fuel tank]	#78-78;
1917.14(a)(1)[Testing hot work in open]	#78-78;
.14(b)(i)[Hot work below deck]	#78-78;
1917.44(c)(1)[Access to vessel afloat]	#78-78;
1917.51(b)[Aisles & passageways]	#12408(RC);

STANDARDS (Cont.)
29 CFR 1918

1918.3(a)["Shall" defined and "should" discussed]	#8;211(RC);3367(RC);10825(RC);77-3177;78-3229;Pittsburgh;Anaconda
Defined	#211(RC);
.3(h)[River towboat defined]	#11007(RC);
.3(i)[Longshoring operations defined]	#1671;
.3(s)["hazardous cargo" includes] Barium hydroeide monohydrate	#1672;
1918.7[Not. of serious or fatal accidents]	#4;1767;
1918.11(b)[Gangway railing]	#4786;
1918.12(a)[Use of vessel cargo handling gear]	#1430;12140;
1918.13(a)[Equip. not to use in moving cargo]	#8;837;1767;15757(RC);80-4220;
1918.21(b)[Fixed tread gangway]	#1531;
1918.22(a)[Jacob's ladder]	#1242;
1918.23(b)[Access, wharf to barge etc.]	#1671;1767;
1918.25(a)[One ladder per gang]	#8;1038;1430;2073;2340;6018;10199(RC);12272;
.25(b)[Visibly unsafe ladder]	#1129;

STANDARDS (Cont.)

29 CFR 1918.25(c)[When straight ladders required]	#90;
.25(d)[Clearance behind ladder]	#1767;
.25(e)[Ladders to gain access to deck cargo]	#410;2073;8221(RC);
.25(f)[Spec. for port. ladder]	#8221(RC);10115;
1918.31(c)[Defective hatch cover]	#1132;
1918.32(b)[Edge of hatch section exposed]	#13418; 78-1353(RC);79-5737;
Cargo includes containers	#15242(RC);
Stowed includes deck storage	#15242(RC);
.32(c)[Net for 2 gangs in same hatch]	#2;
1918.33(a)[Safe passage]	#76-4905(RC);
.33(b)[Signalman passage]	#2073;14266;76-540;79-5278;
1918.35[Open hatches]	#410;14354;
1918.41(c)[Grab line when handling hatch covers near coaming]	#14;
1918.42(b)[Bridle specs.]	#14;
1918.43(e)[Securing beam in hatch opening]	#14;1430;4956(RC);6551;
Adjacent to a section discussed	#1(RC);
Dunnage defined	#5(RC);

STANDARDS (Cont.)
29 CFR 1918.43(e)[Securing beam in hatch opening] (Cont.)
Rope type discussed #642(RC);
.43(f)(1)[Lashing roller hatch beam] #1430;
1918.51(b)[Unsafe gear not used] #1744;
1918.52(d)(1)[Heel block precautions] #1531;
1918.53(a)(1)[Guarding moving parts] #1132;1767;
.53(a)(3)[Safeguarding winch clutch] #15412;
.53(a)(7)[Winch control ext. lever] #3970;
1918.54(d)[Cargo fall chafing] #1744;
1918.55[Cranes] #14070;
1918.63(b)[Protruding end of wire rope]#12443;12725;
.63(c)[U bolt to form eye] #1767;2340;
1918.65(b)[Mousing screw pin shackles] #72;
1918.67[Pallets] #77-3031;
1918.73(b)(1)[Forklift overhead guards] #4;
.73(h)[No load over employees] #2340;
.73(i)[Working surface hold equip.] #332;

STANDARDS (Cont.)

29 CFR 1918.73(j)[Control when unattended]	#2340;
.73(k)[Edge guard when forklift on deck]	#5542;13898;
1918.74(a)[Req. for use of crane]	#1453;
.74(a)(9)[Load indicator device]	#10113;
.74(a)(10)[Swing radius of crane]	#14617;
.74(c)[Swing radius gaurded]	#76-4905(RC);
1918.81(a)[Slinging "drafts"]	#5581;80-2540S
.81(c)[Swing "draft" to prevent slide]	#5;79-2940;
1918.83(b)[Precautions when breaking down] Referred to in Scott v. Ciudad de Ibaque, 426 F2 1105 (1112)	#18;
1918.85(b)(6)[Inbound containers weighed]	#1483(RC);
1918.86[Hazardous cargo]	#1672;1973;4658;77-3031;
1918.91(a)[Tripping hazards]	#296;1242;5581;76-4905(RC); 78-727;
.91(b)[Gear not in use]	#296;7350;
.91(g)[Dunnage storage]	#7612;
1918.92(a)[Lighting]	#6589;

STANDARDS (Cont.)

29 CFR 1918.93(a)(1)(i)[Vent. engines]	#296;3219;76-540;79-5278;
.93(a)(1)(ii)[Carbon monoxide in air]	#296;
.93(c)[Testing]	#79-6896;
1918.96(a)[First aid]	#837;1671;6551;
.96(b)[Contents of first aid kit]	#1967;
.96(d)[Stokes basket]	#837;1767;12534;76-540;
.96(e)[Lifering]	#837;1767;12534;
1918.101(a)[Eye protection]	#14617;
1918.102(c)(3)[Dust protection]	#14617;
1918.104[Foot protection]	#6589;
1918.105(a) [Hard hats]	#2870;2872;3320,3821(RC);3824(RC);3985(RC);4107(RC);4114;4445;6551;6565(RC);10554(RC);11632;12102;12272;13443(RC);14354;78-727;78-1023; 78-1353(RC); Atlantic & Gulf;ITO Corp.;
No penalty in face of strike treat	#12284(RC);
Not vague	#2588;
Properly promulgated	#4671(RC);4897(RC);
1918.106(b)[Prot. while on log boom]	#1767;2240;

29 CFR 1926[Construction]

Applicability of	#77-226;
Effective date of	#6134;
Properly promulgated	#7734(RC);76-3890;78-2760; 78-2965;National Ind. Cont.
Subparts A, B, and X not applicable	#827;

Subpart B[General Interpretations]

1926.10[Scope]	#1689;
1926.12(c)[VA & FHA housing]	#1324;
1926.13[Interpretation of terms]	#1324;1689;
1926.16[Longshoring]	#674;

Subpart C[General Safety & Health Provisions]

1926.20[General safety & health]	
.20(a)[Contractor, requirements]	#507;525;78-1363;79-1420;
.20(b)(1)[Accident program]	#782;923;1229;1689;4078(RC);
Not a standard	#923;
.20(b)(2)[Program requirements]	#923;1229;2684;8842;80-4532; 80-7081;
.20(b)(3)[Tools etc. must comply]	#1229;8101;79-1360;80-7081;

29 CFR 1926.20(b)(4)[Employees qualified]	#2591;9747(RC);
.20(b)(6)(i)[Instruction re hazard]	#4078(RC);
1926.21[Safety training & education]	
.21(b)(1)[Employer responsibility]	#10277;80-4532;
.21(b)(2)[Employer teach]	#923;1294;1689;2665;2805;8842;10277;13528(RC);76-1308;76-4675(RC);77-1299;78-2090;78-2423;78-3427;78-3494;78-4133;78-4204;79-1420;79-3438;79-4517;79-5033;79-7127;80-177;80-219;80-520;80-568;80-1420;80-1866;80-4492;80-7081;81-529;
Not vague	#10277(RC);81-1977;National;
Subcontractor's lack of knowledge re chlorine	#78-3607;
Supervision required	#76-4428;
.21(b)(5)[Instruction required]	#80-6246;
.21(b)(6)[Teach hazards of confined space]	#1264;76-4899(RC);77-3306;80-3589;
1926.23[First aid & medical attn.]	#211;1715;1722;
1926.24[Fire protection & prev.]	#3042(RC);3344(RC);5064(RC);10274;
1926.25[Housekeeping]	
.25(a)[Debris in work area]	#154;294;383;413;494;503;557;690;762(RC);1038;1127;1128;1165;1367;1780;1955(RC);1995;2023;2087;2249(RC);2426;2431;3163;3180;3257(RC);3271(RC);3279;3344(RC);3386;3603;3694(RC);3701(RC);4028;4034;4140;4369;4598;4626(RC);4679;4800;4968;5064(RC);5104;5190;5627;5740(RC);6007(RC);6048(RC);6134;6145;7327;7792;8468(RC);8685(RC);

STANDARDS (Cont.)
29 CFR 1926.25(a) (Cont.)

	#8824;9806(RC);9896;10116;10274;11222;1259(RC);12939(RC);13013;13795;13832(RC);13839;13869;13875;76-1567(RC);76-3105(RC);76-4271(RC); 76-4278(RC);76-4371(RC);77-1753;78-11;78-3775;78-4989(RC);78-5997;79-25;79-33;79-864;79-1420;79-2899;79-3489;79-3591;79-3669;79-4038;79-5984;79-7127;80-914;80-1740S;80-1745;80-2584S
Debris discussed	#76-2326(RC);
Storage area not covered by	#11127(RC);
.25(b)[Removal of combustible]	#435;494;557;3163;12130;76-3103(RC);79-33;79-3489;
Debris defined	#6145;13832(RC);
Does not include collected pile	#413;
Natural on construction site	#1127;
Not R's but endangering his employees	#690;
Travel within 30' not viol.	#76-2326(RC);
.25(c)[Containers for]	#557;3163;8116;
"Frequent and regular intervals"	
As often as debris accumulates	#76-3103(RC);
1926.26[Illumination for]	#10274;
1926.28[Personal protective equip.]	
.28(a)[Employer require wearing of]	#320;572;609;762;1049;1184(RC);1382;1396;1504;1557;1598;1731;1735;1871;2150;2183;2232;2295(RC);

STANDARDS (Cont.)
29 CFR 1926.28(a)(Cont.)

	#2693;3035;3580(RC);3735;3776;3863;4047;4179(RC);4319(RC);4374;4537(RC);4756(RC);5190;5220;5421(RC);5482;6007(RC);6120;6133;6163;6902;7102(RC);7360;7374;7460;7918;8096(RC);8293;8345;8810;9054(RC);9303;9467;9507(RC);9726;10269;10659;10859;11046;11864(RC);12031;12135(RC);12136(RC);12143;12577;12686(RC);13143;13528(RC);13676;13801;13832(RC);13839;13874(RC);13972;14015;15426(RC);15472(RC);15757(RC);15841(RC);16067(RC);16147(RC);16235(RC);16249; 16265(RC);76-325;76-2165(RC);76-2760(RC);76-3295; 76-4278(RC);76-4844(RC);76-5241;77-859;77-963;77-1609;77-3037;77-3772(RC);77-3878(RC);77-4319;78-204(RC);78-797;78-1363;78-1392;78-2119(RC);78-2184;78-2760;78-2908;78-2923(RC);78-4148;78-4947;78-4999;78-5571;78-5644;79-2724;79-3189:79-3431;79-3683;79-4546;79-5201;79-5235;79-5359;79-5553;79-6128;79-6145;79-6180;79-7126;79-7127;80-210;80-219;80-520;80-1025; 80-2727;80-2760;80-2849;80-2952;80-3295;80-3652;80-3808S;80-4305;80-4561;80-4976;80-4979;80-5205;80-5347;80-6003;80-6325;80-7045;81-27;81-109;81-658; 81-1012;81-1015;81-1478; 81-1562;81-2000;Otis;
"And" to "or" no change	#1399(RC);2931(RC);6415(RC);15855(RC);
Applies to gently sloped roof	#76-357;
Applies to prot. required by ind.	#12931(RC);
App. to falls less than 25'	#12940;14739(RC);
Applicable to steel erection	#76-628(RC);76-1309;
Belts not feasible for roofers	#76-4361;

STANDARDS (Cont.)

29 CFR 1926.28(a) (Cont.)

Burden of proof re abatement not feasible	#78-5795;
Complement steel erection standards	Bristol;
Defense of impossibility	#76-533;Bristol;
Elements of prove violation	#13810;
Flat roof guarding not feasible	#78-4579;
"Hazardous" not vague	#6415(RC);
"Indicates the need for using" explained	#9985(RC);
Industry custom & experience	#7792(RC);
Knowledge of hazard under	Power;Bristol;
Life belt over water	#78-6032;
New proof comparable to 5(a)(1)	#77-3856;
Not app. to steel connectors	#15976;
Not app. to steel erectors	#13063;
Not vague	#1399(RC);2031;2204;2610(RC); 3750(RC);4005;9985(RC);12940(RC); 14907(RC);14866(RC);76-628(RC); 76-2760(RC);78-507(RC);Jensen;
Prior to rewrite 12-16-72 Vague	Hoffman (See 76-628(RC));

STANDARDS (Cont.)

29 CFR 1926.28(a) (Cont.)

Properly adopted	#3750(RC);6415(RC);
Provide seat belt & not require use	#77-2395;
Reasonable man would have protected against	#79-989;80-6737;Bristol;
Requirements of	
Exposure or other standard indicating need for prot. equip.	#76-592(RC);78-4508;
Standard	#79-989;
Requires rec. hazard	#77-1568;
Requires safety belts	#3395(RC);
Contra	#13063(RC)
Rubber boots	#80-2387;
Tie-off feas. not factor	#77-2331;
Roof	
Not feasible to use belt	#76-3536;
Safety belt not used by industry	Power
Contra	#14907(RC);
Safety belts	#14739(RC)14899(RC);15565(RC); 15855(RC);76-1104;76-1140(RC); 76-1718;76-1844(RC);76-1930; 76-2339(RC);76-3105(RC);76-4361; 77-1568;77-1756;77-2627;77-3776; 77-3878;78-11;78-1681;78-1879; 78-4508;78-5705;79-25;79-2658; 79-5729;80-1769;80-3407;

STANDARDS (Cont.)
  29 CFR 1926.28(a) (Cont.)
    Safety belts (Cont.)

Exception to steel connectors	#703(RC);2249(RC);
Exception not to insulators	#9985(RC);
Exception not to carpenters installing planking on steel	#19252;
On flat roof	#14907(RC);
Required when familiar person with industry would consider a hazard	#78-5795;
While transiting steel	#77-1753;78-972;
Safety shoes	#79-6305;
SOL must est. acceptable conduct	#7792(RC);
SOL must est. feasibility of using tied off safety lines	#78-3234;Bristol;
SOL must est. spec. measures R should take & prove feasibility of	#12876(RC);76-165;76-1146; 76-1975(RC);78-118;
Temporary floor	#6133;77-1756(RC);
Tied to scaffold that fell	#12754;
Vagueness	#76-1538(RC);Hoffman;Power;B&B; Jensen;
RC doesn't accept	#15450(RC);
8" wide precast concrete beam	#14669;

STANDARDS (Cont.)

29 CFR 1926.28(b)[Req. governing use in Subpart E]	#47;320;440;3035;5320;13528(RC);
1926.32[Definitions]	
.32(i)[Employee]	#9747(RC);
.32(p)[Shall]	#211;
Subpart D[Occ. Health & Environmental Controls]	
1926.50[Medical services & first aid]	#211;
.50(c)[First aid if facility not avail.]	#1687;2763;3609;6303;6604;10620;11050;12067(RC);14015;77-1334(RC);80-576;80-1866;
"Reasonably available" 5 minutes away is	#15523(RC);
.50(d)[First aid supplies accessible]	#867;3223;6604;7509(RC);7690(RC);12721;13010(RC);14899(RC);76-1513;76-1892;77-2693;77-4310;79-3304;
.50(d)(2)[Contents first aid kit]	#853;1687;5469;
.50(e)[First aid transportation equip.]	#15405(RC);78-1908;78-4672;
.50(f)[Telephone number of dr.]	#306;1157;3348;3371;3900;4239;9334;13503(RC);79-2899;79-3304;
1926.51[Sanitation]	
.51(a)(1)[Potable water]	#306;5137;9507(RC);
.51(a)(4)[No common cup]	#549;1208;5743;14733;80-3462;81-109;

STANDARDS (Cont.)

29 CFR 1926.51(a)(5)[Container for disposable cups]	#637;2097;6007(RC)6134;9806(RC);
De Minimis	#637(RC);15094(RC);
.51(b)(1)[Id. outlets for non-potable]	#5064(RC);
.51(c)[Const. site toilets]	#211;219;701;
.51(c)(2)[One per site]	#306;549;
.51(c)(3)[Jobsites]	#3701(RC);
1926.52[Noise exposure]	
.52(a)[Protection against excessive]	#8116;11524;14425;79-2548; Harrison;
.52(b)[When excessive, feas. controls]	#1592;11524;13171(RC);16056;
.52(d)(1)[Hearing conservation program]	#359;578;692;797;8116;
1926.54(d)	#79-538;
.54(k)	#79-538;
1926.55[Gases, vapors, fumes, dust and mists]	
.55(a)[Avoid exposure to]	
"And"	#78-6001;
Lead	#78-6001;
Toluene	#782(RC);

STANDARDS (Cont.)

29 CFR 1926.55(b) Not separate citation from 55(a)	#78-6001
.55(d)(1)[Guard, floor, platform]	#80-5498;
1926.56(a)[Illumination, general]	#557;781;1615;9896;10923;77-3646;78-5997;79-3304;79-3943;79-3951;80-2809S;
1926.57(c)	#79-4517;
Subpart E[Personal Protective & Life Saving Equipment]	
1926.100(a)[Head protection, helmets]	#111;259;494;585;680;690;1049;1086;1458;1780;1871;1995;2459;2825;2842;3042(RC);3322;3344(RC);3701(RC);3705;3900;4681;5134;5467(RC);5478;6015;6048(RC);6623;7370(RC);7792(RC);8096(RC);8505;9507(RC);9980;10116;10792;12067(RC);12696(RC);13335(RC);13781;13869;13958(RC);14123;14733;14899;76-1513;77-2292;77-1609;77-3877;77-4310;78-304;78-799;78-4698;79-460;79-826;79-2235;79-2899;79-5553;79-6128;79-6671;79-7127;80-520;80-3109;80-3694;81-1977;
.100(b)[Helmet spec.]	#111;494;1049;6623;76-1801(RC);
1926.102(a)(1)[Eye & face, general] (1010.103(a)(1))	#111;503;597;782;2042;5249;5390;6048(RC);6644;9334;11127(RC);13832(RC);14036(RC);16225; 16265(RC);77-4310;78-2423;79-1263;79-3683;79-4038;79-6128;80-3265;80-3733;80-6325;
.102(a)(2)[Meet ANSI requirement]	#690;
1926.103[Respirator protection]	#76-190(RC);

STANDARDS (Cont.)	
29 CFR 1926.103(a)(2)[Approval of respirator]	#702;
.103(b)(1)[Consider chem. you are guarding]	#13832(RC);
.103(c)(2)[Inspected regularly]	#9056;77-2627;
1926.104[Safety belts, life lines & lanyards]	
.104(a) [Lifelines]	#1482;1557;2825;3863;7936; 8096(RC);9054(RC);
Does not require use of prot. equipment	#9314(RC);
Vague	#2246;12686(RC);
.104(b)[Secured above]	#703;1113;2097;3507;15472(RC); 76-4507(RC);77-1925;78-92;80-6003;
.104(c)[Spec. for lifeline]	#1205;
.104(d)[Spec. for lanyard]	#762(RC);777;2097;77-1925;
.104(e)[Spec. for hardware]	#1205;
1926.105 [Safety net]	#117;980;
.105(a)[When required] [See 1918.105(a)]	#41;117;295;320;702;703;860;1205; 1453;1504;1670;1681;1731;1796; 1807;3010;3586;3657;4036;4537(RC); 5482(RC);6133;7377;7909(RC);7936; 8425;9622(RC);9850(RC);10269; 10556;12031;12411;13243(RC);13463 (RC);13801;15960;16147(RC); 76-140(RC);76-3653(RC)76-3880(RC); 76-4507(RC);76-4558;76-5241; 77-2735;77-3529;78-467;78-702; 78-1363;78-2184;78-2760;78-2923; (RC);78-5310;78-5571;79-25;79-2117; 79-3431;80-210;80-219;80-457; 80-2760;80-3694;80-4305;80-6325; 80-5808S;80-6687;

STANDARDS (Cont.)
29 CFR 1926.105(a) (Cont.)

	Bounds;Southern Contractors; Verne-Woodrow Co.;Fiegen;Pearl; Builders Steel;Southwestern;
Applies to any roof	#14968(RC)
At least one device must be used	Southern Colo.
Flat roof guarding not feasible	#78-4579;
Hazardous	#78-1681;
Impractical, as ambiguous term	#15855;76-2258(RC);Bounds; So. Cont. Ser.
Provide fall protection	#76-3800;
Roof is floor for this purpose	#76-4361;
"Safety line" does not mean static line	#78-507;
Safety net	#2414(RC);78-3126;
Subordinate to 1926.705 (b)(2)(i)	#77-3773;
Temporary floor Unwelded steel sheets not	#980;
To work	#2414(RC);
Use of safety belts difficult	#13638(RC);78-5335;

STANDARDS (Cont.)

29 CFR 1926.105(a) (Cont.)

Use of safety belts impossible	#78-972;
When violated	#15855;
.105(b)[Net in place]	#1453;3035(RC);12577;77-2735;
.105(c)[How hung]	#524;4359;4745;12577;12525(RC); 80-219;80-3694;
.105(e)[Spec. for hardware]	#2097;
.105(e)(1)(ii)[Sub. for extinguisher]	#3163;3386;14275(RC);
1926.106[Working over or near water]	
.106(a)(c)[Life jacket & buoys]	#559;1284(RC);1624;3348;12801; 13047;13578(RC);76-2167;76-3891; 78-6265(RC);
Near defined	#8425(RC);
.106(b)[Inspection after use]	#3348;
.106(c)[Ring buoys]	#81-635;
.106(d)[Skiff available]	#8425(RC);12801;81-635;
1926.107[Definitions]	
.107(f)[Safety belts]	#1205;
1926.110(e)(4)(iii)	#78-5845;

SubpartF[Fire Protection & Prevention]

1926.150[Fire protection]	
.150(a)(1)[Develop program for]	#503;557;8101;15631(RC);76-404; 76-2326(RC);77-3640;

STANDARDS (Cont.)

29 CFR 1926.150(a)(2)[Fire fighting equip. access]	#8116;13832(RC);
.150(a)(4)[Equip. inspected]	#503;9056;
Broken seal does not mean def.	#13832(RC);80-2591;
.150(c)[Portable equip.]	#702;1127;1165;
.150(c)(1)(i)[Number fire ext. required]	#146;557;1956;1990;2006;2097;2405; 2426;2856;3163;3180;3694(RC);4018; 4239;5926;6015;6303;7400;9896; 11222;12067(RC);76-3901;77-834; 79-2899;
Fire ext. req. when fire potential created	#12485(RC);79-4978;
.150(c)(1)(ii)[Sub. for extinguisher]	#3163;3386;14275(RC);
.150(c)(1)(iv)[Number exts. on each floor]	#557;8908;78-3234;
.150(c)(1)(v)[Prot. against freezing]	#79-863;
.150(c)(1)(vi)[Ext. near flammable]	#2097;4681;7370(RC);12153;
.150(c)(1)(vii)[Type ext. prohibited]	#701;15094;
.150(c)(1)(viii)[Inspection]	#3701(RC);12130;12651;14991(RC); 76-1087(RC);76-2326(RC);81-635;
.150(c)(1)(xiii)[Portable fire extinguishers]	#77-207(RC);
.150(c)(2)[Fire hose & connections]	#3694;
.150(e)(1)[Alarm system]	#9896;12651;76-3103(RC);78-3234; 79-2899;

STANDARDS (Cont.)

29 CFR 1926.150(e)(2)[Alarm system posted]	#3900;9896;12651;78-1202;79-2899;
1926.151[Fire prevention]	
.151(a)(2)[Engine exhaust diverted]	#76-1308;
.151(a)(3)[Smoking]	#1636;1682;14015;
.151(a)(5)[Cleaning nozzle bonded]	#10271;
.151(b)[Structure blocking exit]	#702;
.151(b)(2)[Const. of bldg. w/i bldg.]	#9293;
.151(c)(6)[Fire ext. convenient]	#572;
1926.152[Flammable & combustible liquids]	
.152(a)(1)[General requirements]	#494;503;557;680;3322;3476;3728; 4776;5008;5249;5469;7400;8824; 10481;13832(RC);15757(RC);80-4107; 80-5271S;81-109; 81-391;
Not vague	#2183(RC);80-933;
.152(a)(2)[Combustible liquids in exits]	#680;79-4038;
.152(b)(2)[Storage of comb. liquids]	#1113;
.152(b)(3)[Quantities]	#79-4038;
.152(c)(3)[Diversion of spills by drainage]	#3772;12450;
.152(c)(5)[Storage area clear]	#3772;79-538;

STANDARDS (Cont.)

29 CFR 1926.152(d)(2)[Location of fire ext.]	#494;77-1901;79-538;
.152(d)(4)[Ext. on tank truck]	#15094(RC);
.152(e)(2)[Elec. conn. between vessels]	#3772;6076;79-4787;
.152(e)(4)[Collision damage]	#79-7035;
.152(f)(1)[Flammables in closed cont.]	#1127;1165;6076;
.152(f)(3)[Flammables near open flame]	#6076;80-6246;
.152(g)(2)[Tank truck compliance with]	#1592;
.152(g)(2) (Cont.)	
385-3010	#1592;
385-5210	#1592;
.152(g)(9)[No smoking signs]	#3476;4681;76-2364;76-2385;79-25;
.152(g)(11)[Fire extinguisher service]	#76-2623(RC);
1926.153(g)[Inst. of LP gas cont.]	#8215;
.153(h)(13)[Distance heater from supply]	#503;
.153(j)[Storage of LPG container]	#13029(RC);79-2445;
.153(k)(2)[Ventilated enclosure]	#76-4905(RC);

STANDARDS (Cont.)

29 CFR 1926.153(1)[Fire extinguisher storage]	#76-2623(RC);
1926.154(d)[Salamanders]	#78-1202;
1926.155(1)[Definition of "Approved"]	#297;3476;

Subpart G[Signs, Signals & Barricades]

1926.200(g)(1)[Construction signs] Vague	#306;1557;4106(RC);79-5070; #3366;
.200(g)(2)[Spec. for traffic signs]	#1557;79-5070;
.200(h)(2)(i)[Additional rules re signs]	#1345;
1926.201(a)(1)[Flagmen]	#3122;9684;80-1109;
.201(a)(2)[Signaling directions]	#9684;
.201(a)(4) [Flagman wearing red]	#1602;4418;9313(RC);76-2414(RC);

Subpart H[Materials Handling, Storage, Use & Disposal]

1926.250(a)(3)[Debris in aisles]	#133;154;1128;2023;2068;3816; 8685(RC);16184(RC)79-2326(RC); 79-33;
.250(b)(1)[Stored material near floor hole]	#6007(RC);8908;10116;11222;12395; 13029(RC);77-1609;79-3189;
Storage defined	#13638(RC);Dic-Underhill
.250(b)(5)[Storage in aisles, etc.]	#154;2829;
.250(b)(8)(i)[Nails in used lumber]	#6007(RC);11543;78-4672;

STANDARDS (Cont.)

29 CFR 1926.250(b)(9)[Cylindrical steel, blocked]	#383;
1926.251(a)(1)[Inspect rigging material]	#1128;7444;78-5571;79-25;80-177;
Defective discussed	#1128;Austin
Not vague	Austin
.251(a)(3)[Rigging material not in use]	#76-3721;
.251(a)(4)[Marking special lifting hooks]	#4175;78-3155;79-3431;80-177;
.251(b)(1)[Job made sling]	#77-3358(RC);
.251(b)(3)[Makeshift hooks]	#4175;6526;76-1513;
.251(c)(1)[Spec. for wire slings]	#78-5492;
.251(c)(2)[Protruding ends]	#79-2658;
.251(c)(3)[Wire not secured by knots]	#1151;3438;3735;12067(RC); 15631(RC);15699(RC);
.251(c)(4)(iii)[Forming eyes]	#78-3155;
.251(c)(4)(iv)[Wire w/broken strands]	#9990;79-2379;
.251(c)(5)[Use of wire clips]	#916;1888;1889;2097;3735;5106; 6902;7444;12577;15094(RC);15757 (RC);77-1334(RC);78-3155;79-2379;

STANDARDS (Cont.)

29 CFR 1926.251(c)(5)(i)[U bolt as eye splice]	#12067(RC);
.251(d)(2)(iii)[End tails trimmed]	#1037;
.251(e)(1)[Marking synthetic slings]	#435;
1926.252(a)[Chute for waste]	#810;860;2414;3042(RC);3271(RC);3344(RC);3552;8908;9507(RC);9881;10116;
.252(b)[Debris dropped w/o chute]	#860;6007(RC);
.252(c)[Remove debris]	#567;3552;3593;3900;5469;79-3951;79-4038;
Useable material not debris	#810;

SubpartI[Tools-Hand & Power]

1926.300(a)[Condition of tools]	#3391;77-3693;
.300(b)(1)[Power tools guarded]	#79-4546;
.300(b)(2)[Belts, etc., guarded]	#146;1208;2426;4777;8727;10232;10932(RC);12401;76-323;76-358(RC);76-4149;76-4668;77-3803;79-538;79-5729;80-1987S;80-3369;80-4979; 81-1988S;
1926.301(c)[Mushroom head on impact tool]	#12067(RC);
.301(d)[Condition of tool handles]	#76-2858;
Personal tool	#79-25;
1926.302(b)(1)[Securing tool to air hose]	#3301(RC);16193(RC);79-3683;80-2727;

STANDARDS (Cont.)

29 CFR 1926.302(b)(4)[Compressed air over 30 psi]	#10127;
.302(b)(7)[Safety device on air hose]	#5390;5946;6644;8101;10127;14456(RC);78-2423;78-4672;79-3683;80-2474;80-3694;80-6482;
.302(e)(1)[Training of power tool op.]	#13615;77-4310;78-3234;
.302(e)(4)[Power tool eye prot.]	#79-863;79-2899;
.302(e)(5)[Loading power tool]	#1806;76-2748(RC);
.302(e)(6)[Loaded tool unattended]	#76-2748(RC);79-2899;
.302(e)(11)[Guarding power tool]	#76-4169;
.302(e)(12)[Power tool meet ANSI]	#77-1999;
1926.303(b)[Guard spindle end of grinder]	#76-4507(RC);77-671;78-2965;
.303(c)(1)[Guard]	#79-25;
.303(c)(2)[Grinder work rests]	#291;6134;15631(RC);78-2965;
.303(c)(3)[Guard for cup grinder]	#637;76-2326(RC);
.303(c)(4)[Guard for port. grinder]	#13832(RC);
.303(d)	#79-25;
1926.304(f)[Woodworking tools meet ANSI]	#920;2516;3865;4299;5111(RC);11171(RC);14886(RC);78-4257;78-5348;80-914;

Subpart J[Welding & Cutting]

29 CFR 1926.350 (1910.252 equivalent) [Gas welding]	#224;
.350(a)(1)[Valve protection caps] (See 1910.252(a)(2)(iv)(c))	#294;572;637;701;1038; 1127;1165;1858(RC);1956;1990; 2006;2097;3279;11543;12067(RC); 14748(RC);77-3645;78-4537;
"Available for use" discussed	#76-2326(RC);
Not applicable to 60 lb. cylinder	#78-6012;
Only app. to cylinders designed for caps	#78-6012;
.350(a)(2)[Cylinders hoisted]	
.350(a)(4)	#77-3645;
.350(a)(7)[Securing cylinders]	#530;597;1690;12767(RC);78-972; 80-2727;
.350(a)(8)[Close valve when not in use]	#572;
.350(a)(9) [Secure gas cyl.]	#133;294;503;557;573;597;810; 1127;1128;1165;1715;1722;1858(RC); 1953;1956;1990;2006;3279;3476; 3772;4220;5064(RC);5104;5740(RC); 6015;6048(RC);8116;8424;8505;8824; 12067(RC);12296;12434(RC);12720; 13013;13795(RC);14748(RC); 15094(RC);77-3878(RC);78-4537; 79-2548;79-2658;79-3951;79-4038; 79-4733;79-6783;79-7035;79-7127; 80-1783;80-6325;
.350(b)(3)[Cylinder valve end up]	#79-4787;

STANDARDS (Cont.)

29 CFR 1926.350(b)(4)[Cylinder not in confined space]	#1740;7290(RC);
.350(c)(1)[Cylinder not used as support]	#503;
.350(d)[Teach safe use of gas]	#12067(RC);
.350(d)(2)[Valve opened slowly]	#8116;
.350(f)	#13875;
.350(f)(3)[Hoses inspected]	#78-2965;79-7127;
.350(f)(6)[Ventilated storage]	#76-2326(RC);
.350(f)(7)[Hoses etc. in aisles]	#2097;8116;76-2326(RC);79-5642;
.350(h)[Gauges working order]	#13615;78-2965;
.350(j)[Additional rules]	#7003;8116;13875(RC);15094(RC);
Not deminimis	#76-1480(RC);80-1783;80-2474; 80-6325;
Storage defined	#13615;
Vague	#15230(RC);
1926.351(b)(1)[Welding cable type]	#1592;78-2965;
.351(b)(2)[Condition of cable]	#1690;76-934;
.351(b)(3)[Splicing cable]	#2097;
.351(c)(5)[Welding machine grounding]	#4808;13875;

STANDARDS (Cont.)

29 CFR 1926.351(c)(6)[Ground inspected]	#1690;
.351(e)[Shielding]	#378;13798;77-834;79-25;
1926.352(b)[Precautions re immovable obj.]	#6053;
.352(d)[Fire ext. available]	#744;2031;8116;10341;13795(RC); 14275(RC);77-834;79-4038;
.352(e)[Need for fire guards]	#6053;
.352(i)[Welding drums]	#76-783;76-854;
1926.353(b)(1)[Welding in confined spaces]	#7290(RC);79-313;
1926.354(d) Duplicative of 55(a)	#78-6001;

Subpart K[Electrical]

1926.400[Electrical, general]	
.400(a)	#146;412;1615;2462;4654(RC);6076; 7400;8116;16184(RC);79-1360; 79-2899;79-3304;79-5933;80-1224 (RC);80-5556;80-5714; 81-1562;
110-17(a)[Grounding]	#5419;76-1473;78-3031;79-3163;
110-22[Identity disconnect]	#2097;
230-73	#79-3163;
250-42(a)[Ground metal]	#6303;

STANDARDS (Cont.)
29 CFR 1926.400(a) (Cont.)

250-59(b)[Grounding cord]	#2097;
300-15(b)	#79-538;
305[Temporary wiring]	#2097;3409;14721;
310-1(b)[Insulate conductor]	#2097;
320-5[Support for conductor]	#2097;3409;14516;14721;
320-6(a)[Separation open cond.]	#2097;
370-5[Box in damp location]	#4986;
370-7[Protect cond. entering box]	#78-11;
373-5a	#78-3031;
400-4	#80-2591;
400-10	#79-4546;
410-52(d)[Exposed current carrying part]	#2097;
410-55(a)[Grounding prong]	#2097;
.400(b)[Regs. apply to] Transmission lines defined	#207(RC);
.400(c)(1)[Protect employees]	#207(RC);406;1616;1760;1827;2565;2763;4872;8387;10274;13244(RC);14280(RC);15923;77-91;77-2711;77-3567;77-3693;78-2760;78-3145;78-3374;78-3514;79-3304;79-3624;79-5933;79-5984;79-6899;79-4978;80-6325;

STANDARDS (Cont.)

29 CFR 1926.400(c)(1) (Cont.)

Arc welder not covered by	#78-4537;
"Other means" what are	#532(RC);
Temporary barrier not accepted	#441(RC);
.400(c)(2)[Check before working]	#406;1760;8387;78-3374;78-3514; 78-5450(RC);79-3837;80-5556;
.400(g)(i)[Lockout energized circuits]	#1299;13244(RC);79-2973;
.400(h)(1)[Ground fault protection]	#77-2693;78-3234;79-25;79-538; 79-826;79-1360;79-2129;79-2899; 79-3060;79-3067;79-3323;79-4193; 79-6674;80-1025;80-2492;80-2985; 80-4029;80-4245;80-4979;80-5088S; 80-5714;80-6924;80-7276;81-27; 81-226;81-1227;81-1524;
.400(h)(3)	#78-5327;79-33;79-3163;80-2809S;
.400(h)(3)(vii)	#80-2809S;
1926.401(a)(1)[Ground nonenergy metal]	#433;1036;2825;3109(RC);3217;3391; 3438;4681;11554;76-2677(RC); 78-3031;78-6252;79-33;79-5033; 80-2985;80-3265;80-3455;80-4245; 80-5714;81-1227;
Tool removed from service	#433;
.401(b)[Ground nonenergy metal]	#503;
.401(c)[Effective grounding]	#2087;2097;4986;11884;12892(RC); 76-4754(RC);78-3094;79-1360; 79-7035;79-7127;80-1109;80-3921; 81-1227;
.401(f)[Extension cords]	#412;701;5469;80-3265;

STANDARDS (Cont.)

29 CFR 1926.401(h)[Temporary wiring]	#3086;77-2693;78-979;78-6148; 79-2379;79-4473;80-1783;80-2591;
.401(i)[Const. site wiring]	#810;1126;3865;
.401(j)(1)[Guards for temp. lights]	#224;503;557;637;1127;1165;1995; 3900;9896;76-1473;78-3031;79-3624;
.401(j)(2)[Cords for temp. lights]	#224;78-6254;79-2209;79-2379; 80-1745;
.401(j)(3)[Cord in workspace]	#810;3086;79-2548;79-3624;
.401(j)(4)[Port. light in damp area]	#224;14305;14765;76-4153(RC);
1926.402(a)(1)[Plug receptacle]	#12067(RC);13795(RC);
.402(a)(4)[Plug, type]	#224;2097;
.402(a)(5)[Cord, no splice]	#2097;6007(RC);6134;8824; 12067(RC);
.402(a)(8)[Protect cord in work area]	#3481;4028;4968;10116;76-1803(RC); 76-1992(RC);76-2385;79-538; 80-914;80-2387;80-3265;80-6325; 81-1562;
.402(a)(9) Clampon not hand lamp	#78-3031;
.402(a)(10)[No worn cord]	#8116;12067(RC);
.402(a)(11)[Protect cord]	#810;76-2748(RC);80-914;80-3109;
.402(a)(12)[How not to hang cord]	#6134;

STANDARDS (Cont.)

29 CFR 1926.402(c)(1)[Disconnect marked]	#503;8116;10274;76-4219;
Circuit breaker near equipment satisfies	#15523(RC);
.402(c)(3)[Disconnect box secured]	#3016;3279;78-1600;79-4038;
.402(d)(1)[Transformers]	#5740(RC);
1926.403(a)(5)[Prot. for battery handler]	#76-4169;
1926.404(b)[Components must be UL]	#76-4507(RC);77-3412;

Subpart L[Ladders & Scaffolding]

1926.450(a)(1)[Ladders]	#681;702;1607;2213;4047;4141;4965;4998;6052;6644;7792(RC);8424;10501;13013;13615;15094(RC);77-979;77-1118(RC);77-1753;77-3645;77-4089;77-4310;78-2558;78-3775;78-3899;78-4999;79-1420;79-2774;79-5050;79-5553;80-3494;80-4369;80-5271S;Roanoke;
Not vague	#3735(RC);16184(RC);76-4507(RC);National;
34" step is de minimis	#78-4161;
.450(a)(2)[Rungs]	#494;557;810;1209;2097;3481;4058;4717;5008;6908;7240;12067(RC);77-1925;80-2591;80-3265;81-1378;
.450(a)(3)[Portable wood ladders]	#12136(RC);
.450(a)(4)[Portable metal ladders]	#681;
.450(a)(5)[Fixed ladders]	#524;8128(RC);13615;13676;13730(RC);14991(RC);76-4507(RC);78-1023;78-2830;78-4960;78-4999;80-3295;80-4305;80-6687;
"Permanently" discussed	#78-4231;

STANDARDS (Cont.)

29 CFR 1926.450(a)(6)[Feet on port. ladder]	#494;2097;6052;7371;11127(RC);
.450(a)(7)[Angle of ladder incline]	#425;1262;1807;5782(RC);77-1925;
.450(a)(9) [Ladder side rails]	#146;693;702;1114;1284;1690;1715;1722;1807;3042(RC);3068;3223;3701(RC);3948;4141;4179;4408;4654(RC);4679;4681;4776;4968;5419;5627;5782(RC);6052;6145;6146;8116;8824;9806(RC);9820;10116;11050;16235(RC);76-357;76-4219;(RC);77-979;77-1901;77-4139;78-1681;78-2830;78-4672;79-4707;79-4803;79-5359;80-473;80-1383;80-1765;80-2850;80-3265;80-3462;80-4035;80-6003;80-7045;81-954S; 81-1103;
.450(a)(10)[Blocking ladder]	#146;211;345;494;503;715;754;1807;2007;2023;2097;2516(RC);3344(RC);3811;4286;4717;5776;5782(RC);6064;6076;6145;6795;7690(RC);7862;8116;9806(RC);10116;11050;13875;76-357;76-1513;76-1892;77-979;77-3773;77-4089;78-2658;78-3224;79-6671;80-473;80-3162;80-3462;80-3921;80-6003;80-6074;81-1378;
"Secure" includes man holding	#15439(RC);
"Secure" includes sinking feet into ground	#78-3155;
.450(a)(11)[Port. metal near elec.]	#83;789;6795;8387;8560;80-4414;
.450(b)(1)[Job-made ladder]	#5627;
.450(b)(3)[Single cleat ladder]	#1453;
.450(b)(5)[Side rails]	#146; 80-2727;
.450(b)(10)[Spec. for cleats]	#77-3597;

STANDARDS (Cont.)

29 CFR 1926.450(b)(12)[Cleat construction]	#146;219;412;899;1114;1750;5743;11050;12136(RC);79-797;80-3462;
1926.451(a)(1)[Scaffolding]	#557;3895;8168;14123;
.451(a)(2)[Footings]	#504;506;666;715;1557;2829;6528;10792;15464;15785;78-5644;79-4909;80-520;
.451(a)(3)[Erection supervised]	#5310;
.451(a)(4) [Guardrails]	#146;219;494;503;506;585;609;644;666;690;715;754;765(RC);899;983;1049;1375;1557;1616;1626;1670;1715;1722;2042;2068;2565;2610;2829;3518;4295;5006;5074;5104;6134;6528;6908(RC);7690(RC);7933;8215;8299;8685(RC);10333;10623;10792;11626;12351;12508;13746(RC);13874(RC);15370;76-1512(RC);76-4429;76-4987;76-5049(RC);77-2097;78-3155;78-5644;79-2735;79-2928;79-4221;79-4335;79-4449;80-520;80-898;80-1383;80-2850;80-3803S;80-4245;80-5271S;81-264;81-1272;81-1366(RC);
Not app. to manually propelled mobile platforms	#11752;
Not required on narrow plank	#78-3853;
.451(a)(5)[Guardrail spec.]	#2565;3507;6006;6007(RC);8215;79-538;81-1272;
Equivalent	#13646(RC);
.451(a)(6)[Screening]	#609;3086;12527;15381(RC);15785;
.451(a)(7)[Weight supported]	#504;765(RC);1262;1482;3507;
.451(a)(8)[No damaged material used]	#666;765(RC);1482;1557;3078;6080;12525(RC);14080(RC);
.451(a)(10)[Lumber grade]	#524;1049;3507;

STANDARDS (Cont.)

29 CFR 1926.451(a)(12)[Planks overlapped]	#494;506;585;666;1626;8215;10623;15757(RC);78-11;
.451(a)(13)[Access ladder]	#690;1046(RC);1111;1209;1616;1624;1715;1722;2607;3028(RC);3322;3507;4182(RC);6080;10623;12200(RC);15785;76-1512(RC);76-4271;77-1925;77-2115(RC);77-2331;78-204(RC);78-304;78-3094;79-1381;79-2780;80-1224(RC);80-5537;
De minimis	#15428(RC);76-267(RC);76-3944(RC);78-797;79-6048;
Equivalent means of access	#5574;12200(RC);76-267(RC);76-1819;
"Provided" means use	#14516(RC);76-814(RC);
Scaffold not equivalent & safe access	#76-3944(RC);
.451(a)(14)[6" extension]	#285;585;1626;2607;3713;6528;8215;8824;14516(RC);15370;15785;76-1512(RC);76-3944(RC);80-5537;
.451(a)(15)[Supports]	#285;506;585;1616;1626;3322;4224(RC);7933;8374;
.451(a)(16)[Overhead protection]	#524;1049;3322;80-3896;
.451(a)(17)[Nonslip surface]	#609;81-264;
.451(a)(18)[No flames on rope hung]	#524;
Vagueness	#76-1703;
.451(b)[Support bearing]	#666;3895;
.451(b)(7)[Ledger placement]	#666;
.451(b)(11)[Platform floor tight]	#146;3948;

STANDARDS (Cont.)

29 CFR 1926.451(b)(12)[Lapping]	#8374;81-1366(RC);
.451(c)(13)[Changing direction]	#754;2114;3279;8969;10268(RC); 77-1698;78-304;
.451(c)(15)[Midrails & toeboards]	#3322;
.451(d)(1)[Tubular support 4 times rate load]	#5134;
.451(d)(3)[Bracing]	#1626;10792;15464;78-3022;
.451(d)(4)[Legs support load]	#1612;1626;76-4994(RC);79-2780;
.451(d)(7)[Secured to bldg.]	#1626;6528;8374;9597;15464;15785; 77-2331;80-520; 81-391;
Brief exposure not viol.	#79-1467;
.451(d)(10)[Midrail & toeboard]	#1358;3901(RC);3948;4968;5134; 5240;6080;9596;9597;10268(RC); 10309;13691;15464;15785; 76-2154(RC);76-4173(RC);76-4271 (RC);77-2331;77-2848;77-3646; 77-4310;78-656;78-2666;78-4178; 78-4924;79-416;79-826;79-2053; 79-2176;79-3438;79-4262;79-5050; 79-6048;79-6671;80-2591;80-4035; 80-4460;80-4492;80-4979;80-5537; 80-6074;80-6331; 81-391;81-1103;
Equivalent protection discussed Burden of proving on R	#16193(RC);
"Ground or floor" Scaffold level not	#77-218;
No violation during dismantling	#79-1467;
Open defined	#13538(RC);16193(RC);
14' fall is serious	#79-968;

STANDARDS (Cont.)

29 CFR 1926.451(e)[Manually propelled]	#754;
"Caster" Wheel substitute for	#76-2748(RC);
.451(e)(1)[Height 4 times base]	#754;3713;5247;
.451(e)(2)[Caster design]	#3518;5985;
.451(e)(3)[Bracing]	#1111;79-1081;
.451(e)(4)[Tight planking]	#5985;12067(RC);76-4507(RC); 79-1081;80-1151;80-2591;80-4128;
.451(e)(5)[Access ladder]	#5985;12589(RC);78-5732;79-4335; 80-2591;
.451(e)(7)[No riding unless]	#3713;
.451(e)(8)[Base for]	#3713;76-2748(RC);
Hazard must be established	#2097;79-4335;
.451(e)(9)	#79-4335;
.451(e)(10)[Guardrail & toeboard]	#1111;3086;3713;5985;12067(RC); 12751;76-2748(RC);76-5089(RC); 78-5732;79-4591;80-1151;80-2591;
Fall distance det. by distance to arresting surface	#7542(RC);76-5271(RC);
.451(f)[Work platforms]	#79-7035;
.451(g)(1)[Outrigger scaffold beams]	#773;899; 76-4278(RC);
.451(g)(2)[Beam inboard end anchored]	#504;773;899;
.451(h)(4)[Suspension have beams anchored]	#13502(RC);

STANDARDS (Cont.)

29 CFR 1926.451(h)(13)[Overhead protection]	#5190;
.451(i)(1)[2 point suspension width]	#557;702;
.451(i)(2)[Spec. for hangers]	#702;899;
.451(i)(3)[Hoisting machine design]	#565;
.451(i)(4)[Spec. for anchorage]	#5310;5727;14036(RC);14080(RC);79-4021;80-4633;
.451(i)(5)[Spec. for suspension system]	#565;702;
.451(i)(7)[Insp. of ropes]	#1624;
.451(i)(8)[Number of men on]	#226;702;773;899;983;1046;1087(RC);1262;1624;2052;2825;3617;4006;4319(RC);5287;5310;5727;7509(RC);7775;8168;9743;12174(RC);14036(RC);14080(RC);76-322;77-2100(RC);79-4324;80-268;80-4633;
.451(i)(9)	#14080(RC);
.451(i)(11)[Guardrail & toeboards]	#557;702;1046;
Not vague	#1087(RC);79-4222
"Open sides and ends" Not ambiguous	#1087(RC);
.451(k)(8)[Single point suspension]	#13502(RC);76-2210;
.451(k)(9)[Guardrail & toeboards]	#76-2210;
.451(k)(10)[Add'l. details]	#1046;

STANDARDS (Cont.)

29 CFR 1926.451(l)(1)[Spec. for boatswain's chair]	#76-807;
.451(l)(4)[Safety belt & lifeline]	#1113;76-807;
.451(m)(1)[Spec. for carpenter's bracket]	#7792(RC);
.451(m)(3)[Bracket spacing]	#609;
.451(m)(6)[Spec.for guardrails]	#76-3105;
.451(o)(7)[Horsebracket guardrails etc.]	#7542(RC);
.451(p)(1)[Spec. for needle beam scaffold]	#1624;
.451(p)(5)[Space between needle beams]	#1624;
.451(p)(6)[Planks secured]	#1624;
.451(p)(7)[Containers]	#80-1420;
.451(p)(9)[Safety belt & lifeline]	#1624;
.451(r)(3)(i)[Spec. for interior scaff.]	#1482;
.451(s)(4)	#79-2735;
.451(s)(5)[Guardrail & toeboards]	#7690(RC);79-2735;
.451(u)(1) [Vague][Roof brackets]	#211(RC);

STANDARDS (Cont.)

29 CFR 1926.451(u)(3)[Catch platforms]	#211;345;524;1796;2459; 15919(RC);
Applies to roof slope greater than 4" in 12"	#14968(RC);76-357;
Validly promulgated	Nat. Roofing;
.451(w)(5)[Rope for ship scaff.]	#524;
.451(w)(6)[Safety belt & lifeline]	#524;1731;
.451(x)(5)(iv)	#80-6687;
.451(x)(5)(v)[Metal bracket form jock]	#77-4089;
.451(y)(11)[Pump jack guardrails]	#11171(RC);
Subpart M[Floor & Wall Openings & Stairways]	
1926.500[Guardrails, handrails & covers]	#60;1971;2213;
.500(a)[General]	#111;1536;
.500(b)[Guarding floor holes]	#60;111;2039;3029;3776; 4448;
.500(b)(1) [Floor opening railing]	#146;294;364;425;573;621;673; 674;810;1036;1037;1130;1157;1165; 1207;1225;1265;1286;1536;1584; 1598;1715;1722;1858(RC);1955(RC); 1971;1973;1995;2023;2087;2097; 2213;2232;2281;2287(RC);2355; 2426;2524;2656;2917;3507;3816; 3826;3900;4044;4141;4296;4453; 4679;4760;4773(RC);5057;5064(RC); 5111(RC);5356(RC);5627;5776;5926; 6076;6303;6308;6495;7737;7792(RC); 8094;8468(RC);8908;9597;9685; 10108;10116;10274;10341;11873;

STANDARDS (Cont.)

29 CFR 1926.500(b)(1) (Cont.)	#12153;12176;13801;15150;16264; 76-181(RC);76-982(RC);76-3103(RC); 76-4507(RC);78-11;78-50(RC); 78-846(RC);78-1363;78-1681; 78-2965;78-3234;78-3535;78-3899; 78-5229;78-5997;79-25;79-372; 79-538;79-2215;79-2256; 79-2537(RC); 79-2548;79-2899;79-3951;79-4058; 79-4982;79-5785;79-7060;80-923; 80-1745;80-2232;2584S; 80-2727; 80-2809S;80-3109;80-3808S;80-4859; 80-5288S
Access to hazard must be est.	#76-402;
Floor opening dist. from wall opening	#688(RC);1225;
11" hole will admit foot	#76-2326(RC);
.500(b)(1)[Floor openings]	#76-4507(RC);80-3708;80-4029; 81-954S;
.500(b)(2)[Ladderway opening]	#60;559;1434;1466;2023;4141;4679; 4815;6064;6759(RC);11259(RC); 76-982(RC);76-2902(RC);76-4507(RC); 77-3597;78-3155;79-2780;80-2584S; 80-3462;80-6687;
.500(b)(3)[Hatchways etc.]	#76-982(RC);77-3652;
.500(b)(4)[Guarding skylight]	#1434;1466;1930;4079;5284;5925; 80-5124;
.500(b)(5)[Guarding pits, etc.]	#11494;13874(RC);
.500(b)(7)[Railings for temp. opening]	#1038;3701(RC);76-3891;77-3652; 79-2638;79-3032;
.500(b)(8)[Guarding floor holes]	#146;154;239;494;573;1127;1165; 2023;2097;2426;3271(RC);3772;3816; 4224(RC);4239;5776;6048(RC);6076; 6303;8055;9685;10274;10341;

STANDARDS (Cont.)
29 CFR 1926.500(b)(8) (Cont.)

	#11127(RC);13832(RC);13869;16264;76-2902(RC);78-3535;79-25;79-3368;79-3624;80-1452S; 80-2727;
Care req. in walking not defense	#76-2326(RC);
.500(c)(1)[Guarding wall openings]	#557;1225;1598;1715;1722;2097;2431;3271(RC);4968;5469;5627;8096(RC);8468(RC);9685;12757(RC);13875(RC);15150;76-2748(RC);78-4257;78-4823;78-5328;78-5556;79-2899;79-3624;80-1740S;80-7356;
Temporary barricade	#688(RC);
.500(c)(2)	#11175(RC);80-7045;
.500(d)(1) [Perimeter guarding]	#146;147;221;294;302(RC);320;364(RC);503;532;567;606;621;657;667;673;674;681;690;810;860;963;1102;1114;1126;1127;1165;1286;1295;1307;1367;1382;1396;1598;1715;1722;1740;1858(RC);1901;1955(RC);1980;1991;1995;2011;2023;2039;2068;2097;2150;2213;2232(RC);2264;2347;2425;2426;2516(RC);2537;2579;2693;2815;2856;2939;3022;3028(RC);3029;3042(RC);3097;3217;3258(RC);3279;3507;3552;3556;3593;3694(RC);3701(RC);;3725;3776;3946;3948;4000;4028;4034;4044;4140;4175;4179;4196;4224(RC);4291;4296;4299;4356(RC);4386;4498;4543;4598;4626(RC);4679;4760;4808;4815;4965;5011;5057;5064(RC);5104;5159;5190;5192;5293;5469;5750(RC);5776;5925;5989;6007(RC);6008;6064;6146;6303;6528;6853;6972(RC);6988;7065;7371;7377(RC);7460;7792(RC);7862;7909(RC);7933;7935;8101;8293;8726;8908;9226;9293;9507(RC);9739(RC);9760;10033;10108;10116;10203;10274;10333;10383;10650;10659;10798(RC);11027;11029;11127(RC);11222;11232;11259(RC);11494;11503;11641;11774(RC);11871;11873;11884;12130;12136(RC);12176;12328;12355;

STANDARDS (Cont.)

29 CFR 1926.500(d)(1) (Cont.)	#12395;12525(RC);12696(RC);12717;12775;12939(RC);13106;13676;13795;13801;13839;14968(RC);15314(RC);15350(RC);15685;16059(RC);16062(RC);16110(RC);16147(RC);16184(RC);76-2677(RC);76-2902(RC);76-3103(RC);76-3891;76-4219(RC);76-4267;76-5203(RC);77-314;77-834;77-2693;77-3597;77-3772(RC);78-11;78-1681;78-3234;78-3678;78-3775;78-3979;78-4257;78-5229;78-5327;78-5328;78-5348;78-6252;79-305;79-372;79-2379;79-2445;79-2537(RC);79-2658;79-3032;79-3163;79-3189;79-3231;79-3431;79-3669;79-3840;79-4038;79-4193;79-5270;79-5275;79-5359;79-5539;79-5553;79-5785;79-6783;79-7060;80-219;80-273;80-1268;80-2075;80-2232;80-2584S-80-2591;80-2809S;80-2985;80-3265;80-3462;80-3708;80-3808S;80-3896;80-3921;80-4220;80-4822;80-4979;80-7045;80-7267S;81-226;81-658;81-805;81-1227; 81-1562;81-1664;Dic-Underhill;
Applies to bridges	#76-1498;
Applies to concrete const. work	#3257;
Barrier temporarily removed	#610;1267;
Elev. top not open sided floor	#13140(RC);
Equivalent defined	#4537(RC);
Flat roof not covered	#8173(RC);8525(RC);13064(RC);79-1420;Langer;Diamond;
Gravity of	#1208;1265(RC);1345(RC);
Guard defined	#725;

STANDARDS (Cont.)

29 CFR 1926.500(d)(1) (Cont.)

Guarding not required until deck completed	#4870;9467;78-1483;
Includes slight slope	#983(RC);
Metal banding as	#8254;
Penalty for	#5589(RC);
Presupposes hazard	#15579(RC);
Safety line not barrier	#13569(RC);16218;
Standard railing is physical barrier	#4537(RC);
Steel erection not covered by	#5111(RC);5221(RC);10411;
Structural steel frame erection	#78-1853;
Temporary floors not covered by	#5221(RC);
Two story house not multi-storied bldg.	#76-404(RC);
.500(d)(2) [Runway railing]	#1715;1722;2864;3279;5064(RC); 5307;5740(RC);7420;8685(RC); 13474(RC);14300(RC);76-2154; 76-4169;76-4507(RC);78-797; 78-1202;78-1363;78-2965; 79-2537(RC); 79-2827(RC);79-4989(RC);80-1745; 80-2075;80-2591;80-4561;
Substantial compliance with	#76-2167;
.500(d)(4)[Machinery on runway]	#76-2258;

STANDARDS (Cont.)

29 CFR 1926.500(d)(5)[General guarding]	
Dangerous equipment defined	#76-914;76-3942(RC);
.500(e) [Stair railing]	#133;146;147;294;494;1127;1165;1715;1722;1995;2097;2431;2524;3552;3694(RC);4808;5011;5104;6076;8424;10033;10798(RC);11222;11232;12176;79-4193;80-3265;Bratton
.500(e)(1)(ii)[Open sided floor]	#3271(RC);3279;3946;5002;5469;15150;78-3676;78-5705; 79-2537(RC);79-4543;80-1745;80-3063;80-3462;81-1227;
.500(e)(1)(iii)[Both sides open]	#412;1345;2213;2287;4140;7400;7792;8824;9685;79-25;79-2256;80-1162S;80-2232;80-3241;80-4245;81-1907;
.500(e)(1)(iv)[Stair over 44" wide]	#1971;3865;5111(RC);7792(RC);8908;9222;11774(RC);76-1930;77-3652;78-5997;79-305;79-5270;79-5539;79-5553;79-5785;79-7060;80-4245;80-4859;
.500(f)(1)[Spec. for railing]	#1536;2287(RC);2815;13875(RC);16059(RC);79-2899;79-5785;80-3265;
Rope or cable as	#690;
.500(f)(1)(iv)[Anchoring posts]	#76-260;76-3103(RC);76-4507(RC);78-3535;79-2514;80-914;80-4220;
Burden of testing for inadequacy	#77-834;
.500(f)(1)(vi)[Other railing const.]	#8254;12525(RC);
.500(f)(1)(vi)(b)	#79-538;
.500(f)(2)	#77-3652;

STANDARDS (Cont.)

29 CFR 1926.500(f)(5)(i)[Cover support carrying cap.]	#597;
.500(f)(5)(ii)	#1130;5356(RC);6495;79-819; 80-3462;
.500(f)(6)[Skylight openings]	#81-954S
.500(f)(7)(i)[Barrier hold 200 lbs.]	#2288;79-2224;
.500(g)(1)[Guarding]	#81-954S
1926.501[Stairway]	
.501(b)[Railing & guardrail spec.]	#133;503;1367;5221(RC);6308; 10274;76-3677(RC);78-5327;78-5328; 78-5348;
.501(c)[Hazardous projections]	#2097;3552;3593;80-1224(RC);
.501(d)(1)[Debris]	#3271(RC);3552;12525(RC);77-2693;
.501(f)[Fill hollow treads]	#412;1971;4239;4760;6308;8908; 9685;78-3676;78-5328;79-2256; 79-2537(RC);79-5270;80-4245;80-4859; Bratton;New Eng.T&T;
.501(i)[Landing for temp. stairs]	#11232;
.501(k)[Uniform risers & tread]	#15579;
.501(l)[Lighting]	#781;
Subpart N[Cranes, Derricks, Hoists, Elevators & Conveyors]	
1926.550(a)(1)[Cranes & derricks]	#916;1416;1690;4290(RC);6802; 12176;12971;80-4220; 81-948;
Applies to machines that lift	#76-1513(RC);

STANDARDS (Cont.)
29 CFR 1926.550(a)(1) (Cont.)

Front end loader used to lift	#76-1513(RC);
Serious	#78-3155;
1926.550(a)(2)[Posting capacity]	#934;9990;15579;76-1498(RC); 77-4471;81-109;
Backhoe not a crane	#6759(RC);
Reversal	#76-1513(RC);
.550(a)(4)[Hand signals]	#406;1607;2214;8766;8834;
.550(a)(5)[Inspection by comp. ind.]	#549;832;1690;4267;4290(RC); 15699;77-4471;81-109;
Designate, what satisfies	Gerosa
.550(a)(6) [Record of inspection]	#503;549;680;934;1157;1320;1607; 1690;2214;4179;5627;6015;6759(RC); 8834;13801;16184(RC);78-5571; 79-2658;81-109;
.550(a)(7)[Wire rope out of service]	#503;916;78-1037;80-914;
.550(a)(8)[Guard moving parts]	#406;5139;
.550(a)(9) [Barricade swing rad.]	#383;1128;1284;1320;1734; 2684;2864;3279;3533;3848; 5008;5106;5784;5926;6792(RC); 8841(RC);9559;10932(RC); 13010(RC);13220;14300(RC); 15494(RC);15538(RC);79-2209; 79-4360;79-4733;80-6717;81-109;
Accessible defined	#15428(RC);
Backhoe is not a crane	#6759;

STANDARDS (Cont.)

29 CFR 1926.550(a)(9) (Cont.)

Dragline	#77-2840(RC);
Lifting functions of crane	#76-4094(RC);
Mounted crane defined	#14748(RC);
Not otherwise protected	#3235(RC);
Not vague	#5692(RC);
Oiler no substitute for barricade	#76-1703;Concrete;
Physical barricade required	#5692(RC);
Required during leveling operation	#14748(RC);15757(RC);
.550(a)(10)[Protect exhaust pipes]	#5139;
.550(a)(12)[Safety glass in windows]	#967;79-2658;80-7048;
.550(a)(13)(iii)[Anti-skid]	#80-3694;
.550(a)(14)(i) [Fire ext. in cab]	#680;934;1157;1320;1607;1740; 6015;8116;13875;78-2830;78-5571
Not vague	#3811(RC);76-4507(RC);79-2658; 80-4810;
.550(a)(15)[Proximity to power lines]	#1416;9058;9339;79-6913; 81-1812; Danco;
Insulation or barrier	#3248;

STANDARDS (Cont.)

29 CFR 1926.550(a)(15)(i)[10' from 50kv] [See 1910.180(j)(1)(i)] [Crane within 10' of elec. line]	#406;831;890;1015;1141;1320;1362;1416;1434;1646;1759;2536;3433(RC);3665;4210(RC);4292;4677;5510;5632;6120;8293;10516(RC);12184;13057;15809;16180(RC);16215(RC);77-4471;78-85;78-4479;80-5810;80-6680;Ames Crane;Danco;Georgia;
Applies to all cranes	#76-1393(RC);
Cable is part of crane	#832;1128;
Hose is part of load	#15388(RC);
Insulation on wire is not barrier	#3248;
.550(a)(15)(ii)[Over 50 kv]	#1015;2536;10478;
.550(a)(15)(iv)[Observer] [Clearance obs.]	#406;1015;1320;1646;15388(RC);79-5507;
.550(a)(16)[No modification]	#934;4290(RC);15769(RC);80-3694;
.550(a)(17)[Mect Assoc. std]	#76-2938(RC);
.550(b)(1)[Crawler, etc. crane booms]	#3848;13389;
.550(b)(2)[Meet ANSI spec.]	#435;832;967;1362;1363;1373;2044(RC);3735;3811;4675(RC);4792;6120;9990;10556;11873;12031;13801;15538(RC);76-405(RC);76-471;76-1308;78-1037;78-3825;78-5571;78-5795;78-5956(RC);79-4449;80-7276S;81-920;
Backhoe not a crane	#6759(RC);80-3694;

STANDARDS (Cont.)
29 CFR 1926.550(b)(2) (Cont.)

Headache ball part of hook	#3561;15538(RC);
Objects falling from crane	#76-406(RC);76-2894(RC);
.550(c)(2)[Prot. employee on hammerhead]	#11175(RC);
.550(c)(5)[Spec. for hammerhead crane]	#15579;76-2042;
"In use"	#78-854;
.550(d)(2)[Bridge trucks on gantry crane]	#3848;
.550(d)(4)[Meet ANSI spec.]	
Load defined	#4809(RC);
.550(e)[Derricks meet ANSI]	#2097;77-3021(RC);
.550(f)(1)(ii)	#78-4537;
.550(f)(1)(iv)[Secure crane on barge]	#76-1567(RC);76-2695;
1926.552(b)(1)(i)[Prot. hoistway ent.]	#494;2042;2068;5572(RC);
.552(b)(1)(ii)[No riding material hoist]	#2042;2260;6015;10232;79-2270;
.552(b)(2)[Gates at hoistway]	#494;1225;1333;2068;2287;2829;4224(RC);4408;5572(RC);8094;10274;20232;76-2902(RC);78-1202;
.552(b)(2)(i)(ii)[Spec. for bars, etc.]	#2068;8055;8096(RC);

STANDARDS (Cont.)

29 CFR 1926.552(b)(3)[Overhead prot.]	#401;585;2068;3279;4224(RC);5572(RC);10274;
.552(b)(4)[Operator protection]	#494;2829;5572(RC);
.552(b)(5)[Enclosed hoist tower]	#319;401;5572(RC);
.552(b)(5)(ii)[Open v. closed cage]	#319;401;2042;2068;3279;4224(RC);10274;78-1202;
.552(b)(6)[Car arresting device]	#827;1207;
.552(b)(8)[Mat. hoist meet ANSI]	#827;77-1609;78-1202;
.552(c)[Personnel hoist]	
Variance of	#11499;79-3438;
.552(c)(2)[Tower inside structure]	#2287(RC);
.552(c)(3)[Tower anchoring]	#15581;
.552(c)(4)[Dimension of gate]	#11884;79-2514;81-1015;
.552(c)(5)[Cars enclosed]	#494;
.552(c)(6)[Entrance door or gate]	#76-2508;79-3438;
.552(c)(7)[Overhead protection]	#494;
.552(c)(8)[Door with elec. contact]	#77-1765;79-3438;
.552(c)(10)[Plate re capacity]	#1184(RC);
.552(c)(15)[Inspect & test before use]	#6303;80-1224(RC);

STANDARDS (Cont.)

29 CFR 1926.552(c)(16)[Meet ANSI]	#77-1765;
1926.555(a)(1)[Conveyors, stopping of]	#5630;
1926.556(b)(2)(v)[Belted in lift basket]	#4318;10859;16162(RC);79-2328;
Aerial lift defined	#76-119(RC);80-520;
Working defined	#15769(RC);
.556(b)(2)(ix)[Controls on boom]	
Not vague	#8501(RC);
Subpart O[Motor Vehicles, Mech. Equip. & Marine Op.]	
29 CFR 1926.600(a)(3)(i)[Blocking heavy load]	#2782;3154;11236;
.600(a)(3)(ii) (Set parking brake or choke)	#5692(RC);
Only applies to mech. propelled veh.	#5692(RC);
.600(a)(6)[Equip. comply w/1518. 550(a)(15)]	#9058;10516(RC);76-191(RC); 76-192(RC);77-3668(RC); 81-1812;
Equipment defined	#10604;
1926.601(b)(2)[Vehicle lights]	#133;
.601(b)(3)[Audible warning]	#1036;7933;
.601(b)(4)[Observer signals]	#79-4594;80-6482;81-175;

STANDARDS (Cont.)

29 CFR 1926.601(b)(4)(i) [Reverse alarm]	#133;285;585;680;893;937;1324;1589;1592;3438;14203;76-358(RC);76-2617(RC);Clarkson;
Use defined	#1445(RC);
.601(b)(4)(ii)[Observer]	#893;1324;76-2617(RC);
Bull dozer operator as	#133;79-5655;
.601(b)(7)[Loose tools in personnel carrier]	#15715;
.601(b)(8)[Seats in personnel carrier]	#1607;15715;77-3645;
.601(b)(9)[Seat belts, etc.]	#680;
.601(b)(10)[Lock for dump truck maint.]	#1359;2490(RC);76-4105(RC);
.601(b)(9)[Dump lever safeguard]	#2490(RC);2891;76-4105(RC);
.601(b)(14)[Inspection for vehicle defects]	#15573;80-6785;
1926.602(a)(2)(i)[Seat belts]	#572;8116;8823;9508;78-1080;79-6730
.602(a)(3)[Access roads]	#8375;78-2177;
.602(a)(4)[Brake system]	#79-369;
.602(a)(8)	#78-4537;
.602(a)(9)(i & ii)[Audible alarm]	#285;1098;1734;3223;3438;9508;13685(RC);76-4507(RC);78-797;78-5084(RC);79-5519;80-7048;81-1524;

STANDARDS (Cont.)

29 CFR 1926.602(a)(9)(i & ii) (Cont.)

"Bidirectional" defined	#13685(RC);
.602(a)(9)(ii)[Obstructed rear view]	#3609;6790(RC);78-2195;78-2423;78-5492;79-5033;79-6730;
.602(a)(10)[Scissor points guarded]	#80-6785;
.602(b)(3)[Standards applicable]	#2044(RC);15494(RC);16215(RC);
.602(c)(1)(i)[Req. for industrial trucks]	#2097;78-2192;
.602(c)(1)(vi)[Trucks meet ANSI]	#2938;10792;
1926.603(a)(8)[Safety for employee aloft]	#12767(RC);
.603(a)(9)[Steam hose attachment] Cable defined	#12767(RC);
.603(c)(3)[Sloping of pile driving pit]	#3007;
1926.604(a)(2)[ROPS on site clearing equip.]	#597;967;1086;1098;3057;
1926.605(a)(1)[Marine material handling]	#11007(RC);12140;
.605(b)(2)[Bridging pier & float]	#3253;5731;13010(RC);15096;76-4905(RC);
"Stepping safely" doesn't mean 44"	#78-4537;
.605(c)(2)[Safe cond. of docks]	#3253;;3583;5731;

STANDARDS (Cont.)

29 CFR 1926.605(d)(2)[Life ring]	#5731;11007;15096;78-4537;
.605(d)(3)[Buoyant vests]	#3253;3583;5731;12486;12969; 78-4537;81-635;
.605(e)[Commercial diving op.]	#344;

Subpart P[Excavations, Trenching & Shoring]

1926.650[Excavation, trenching & shoring]

.650(a)[Condition of walkways]	#5138;
.650(b)[Planks used as walkways]	#78-85;
.650(c)[Spec. for planking]	#4136(RC);
.650(e)[Personnel protective equip.]	#1097;4106(RC);4136(RC);4776; 5324;7947;9157;79-5789;80-1765;
.650(f)[Warning vests]	#4681;9150;13094;
.650(h)[Under power shovel load]	#323;549;853;1086;1296;4136(RC); 5138;7777(RC);13094;76-191(RC); 79-192(RC);79-5989;
.650(i)	#78-3494;
1926.651(a)[Check what is underground]	#2665;2684;
.651(b)[Remove hazards before excav.]	#9157;

STANDARDS (Cont.)

29 CFR 1926.651(c)[Sloping walls]	#832;867(RC);1578;2197;2538(RC); 2969;3136;3258;3292;3427;3609; 4029;4145(RC);4172(RC);4739;4776; 6790(RC);6824;6980;7451;7454(RC); 7683;8224;8375;8448;8697;8778; 8815;9157;10537;13013;13137(RC); 13220;13874;15185(RC);16215(RC); 78-85;78-2125(RC);78-2558; 78-4204;79-734(RC);79-2408; 79-4449;80-4369;80-4485;80-7175S;
652 may be substituted	#4090(RC);4553(RC);76-3743(RC); Federico;
Applies to trench	#4553(RC);
"Danger from moving ground" defined	#15094(RC);
Effect of frozen ground on	#2330;
Excavation not a trench	Kent
Installed form or similar structure	#6969(RC);
Moving ground discussed	#2507;8684;
"Moving ground" must be est. Question of fact	#8684(RC);
Not vague	#78-4434;
Other sections must be read in conjunction with	#78-4565;
Table P-1 applies to all excavation	#2436;
Contra	#78-4434;

STANDARDS (Cont.)
29 CFR 1926.651(c) (Cont.)

Table P-2 est. min. req. only	Horne;
Vague & unforceable	Lockrem
Violation is question of fact requiring assessment of all facts & eval. of expert testimony	#15414(RC);
.651(e)[Angle of repose]	#2888;4553;8224;
.651(f)[Support system design]	#145;
.651(g)[Sloping]	#949;3609;3820;4145(RC);
Angle of repose defined	#2507;
.651(h)[Sloping w/water conditions]	#145;701;3414;3491;3609;4145(RC);
Flattened defined	#10929;
Not vague	Cedar;
.651(i)(1) [Piling excavated material]	#853;867;919;949;1015;1036;1086; 1394;1953;2506;2521;2538(RC);2769; 2888;3007;3292;3324;3469;3476; 3491(RC);3502;3542;3842;3847(RC); 4012;4172(RC);4309(RC);4395(RC); 4418;4601;4681;4703;4776;4878; 5137;5540;5582;5613;5692(RC);6604; 6623;6790(RC);7454(RC);7992;7246; 7373;7455;8407;8449;8697;8844; 9157;9879(RC);9990;10785; 12750(RC);12589(RC);13503(RC); 13812(RC);76-1924(RC);76-4988(RC); 78-2423;78-3337;78-3494;78-3805; 78-4367;78-5909;79-69;79-2408; 80-888;80-1049;80-1765;80-2261S; 80-3473;80-4369;80-7267S;81-1378; Horne;Kent;

STANDARDS (Cont.)
29 CFR 1926.651(i)(1) (Cont.)

Inadequate standard	CTM;
"Stored" defined	#14157(RC);
Word "effective" is meaningless	CTM
.651(i)(2)[Alternative to above]	#7992;12589;77-1202;
.651(j)[Sides meeting eng. requirements]	#3820;77-1202;80-2087;
.651(k)[Support system planned & designed]	#3223;
.651(m)[Shoring near backfill] Separation unclear	#344
.651(p)[Diking surface water]	#15094(RC);
.651(q)[Shoring against heavy surface wt.]	#2538(RC);4145(RC);4739;4776;6308;6644;9508;10117;15685;76-4765(RC);78-3494;80-2087;80-4369;80-7175S;
.651(s)[Equip. stop log near excav.]	#4553(RC);7992;14188(RC);15685;78-3494;
Vague	Lockrem
.651(t)[Barriers at remote excav.]	#867;1127;1165;4968;5469;6048(RC);7400;
.651(v)[Air test in oxygen def. area]	#1636;1682;78-3861;80-4107;80-6015;

STANDARDS (Cont.)

29 CFR 1926.651(w) [Guarding excavation bridge]	#2968;4068;4717;76-4169;
Girder used as walkway must be guarded	#10677(RC);
.651(x) [Job made wood ladder]	#145;1458;
.651(y) [Ladder spec.]	#832;8697;79-460;
1926.652(a) [Trenching requirement]	#853;867(RC);1096;1261;1750; 1926;3153;3476;3486;4145(RC); 4413;4890;4891;5138;5540; 6759(RC);7861;8520;8823;76-5399; 80-7048;81-218;
Bank defined	#1053(RC);2286;76-4765(RC);
Not vague	#1053(RC);
.652(b) [Trench shoring etc.]	#269;301;306;377;522;555;675; 701;997;1015;1040;1050;1060; 1097;1409;1458;1578;1734;1750; 1926;2035;2197;2286;2313;2515; 2548;2630;2637;2769;2843;2865; 2977;2999;3141(RC);3142;3197; 3278;3224(RC);3292;3301(RC); 3369;3371;3414;3427;3435;3486; 3491;3494;3502;3533;3543(RC); 3551(RC);3607(RC);3637;3660;3699; 3705;3728;3841(RC);3842;3847(RC); 3860;3979;4012;4058;4090;4145(RC); 4155;4217;4264;4388(RC);4418;4427; 4454;4601;4647;4705;4766;4828; 4878;4967;5093(RC);5105;5180;5249; 5374;5478;5782(RC);5979;5552;5957; 6623;6794;7064;7184(RC);7246(RC); 7454(RC);7455;7777(RC);7956; 8122(RC);8687(RC);8696;8778; 8495(RC);8845;8847;9150;9980; 10438;10785;11092(RC);11553(RC); 11167(RC);11549;11553(RC);

STANDARDS (Cont.)
29 CFR 1926.652(b) (Cont.)

	#7562;7635;7838;7947;8407;8449; 8520;8583;8834;9508;9662;9806(RC); 9809(RC);9990;10117;10620;10647; 10654;10785;11785;12893;13094; 13410(RC);13474(RC);13503; 13812(RC);14188(RC);14733; 76-191(RC);76-910(RC);76-1228(RC); 76-1264;76-1924(RC);76-2802(RC); 76-4507(RC);76-4988(RC);76-5399; 77-1551;77-2752;78-797;78-2090; 78-2423;78-2528;78-2561; 78-3337;78-3427;78-3494; 78-3805;78-4133;78-4367; 78-4390;78-4834;78-5260;78-5325; 78-5363(RC);79-68;79-358;79-928(RC); 79-1235;79-3303;79-3667;79-4230; 79-4462;79-4707;79-4830;79-5789; 79-5909;79-6128;80-2571;80-3473; 80-4485;80-4560;80-4889;80-5171; 80-7048;Horne;CTM;
Amendment to 652(c) not w/o consent	#16029;
Applies to extending shoring	Pike;
Effect of frozen ground on	#2506;
How to shore	#3469;
Interpreted	#7370(RC);
Moving ground - soft or unstable	#4395(RC);15230;
Not vague	#13964(RC);
Slope from bottom to top	#10929(RC);

STANDARDS (Cont.)
29 CFR 1926.652(b) (Cont.)

Soft or unstable discussed Predominantly sandy soils are	#16029(RC);
Soil sampling not a must	#16029(RC);
Tree roots as	#3347;
Unstable earth	#2060;
Applies even tho less than 5' of Hazardous soil	#3324(RC);
Blasted rock becomes "compact & anular gravel"	#78-2257;
Can amend to 651(c)	#4395(RC);
Hazard exists if terms of standard not met	#76-93(RC);
Public convenience as defense to no shoring	#14946;
Sloping starts at 5' level	#78-2257;
Table P-2 not exclusive	#9879(RC);76-1087(RC);
.652(c)[Hard or compact soil]	#693;919;1053;1086;1096;1261;1394;1870;1871(RC);1953;2050;2266;2286;2521;2789;2805(RC);2842;3004(RC);3025;3223;3312;3366;3491(RC);3542;3811;3931;4106(RC);4136;4351;4681;4889;5008;5324;5373;5467(RC);5613;5743;5964;6052;6078;6197;7373;76-256(RC);79-928(RC);79-4230;79-6247;79-6974;80-1049;80-1765;80-1880;80-2261S;80-3703;81-1907;81-2000;

STANDARDS (Cont.)

29 CFR 1926.652(d)[Shoring in good cond.]	#3223;5782(RC);7947;81-206;
.652(e)[Precautions near backfill]	#477;675;1409;1926;1953;2782;2805(RC);2843;2977;2999;3811;4766;5138;5782(RC);6759(RC);7064;7184(RC);7370(RC);7838;7947;7992;8520;8687(RC);8696;8834;9806(RC);9990;10620;11549;11758;12750(RC);78-3494;79-69;79-2571;79-3596;79-5676;79-6128;80-2087;80-888;
Adjacent to includes intersecting	#3543(RC);78-4834;
Interpreted	#5093(RC);7370(RC);
.652(g)[Spec. for trench timbering]	#3223;4889;5008;5486(RC);5782(RC);7285;10932(RC);
.652(h) [Exit for trenches]	#549;675;701;853;1086;1097;1409;1578;1734;1871;2035;2515;2782;2842;2885;2999;3224(RC);3292;3301(RC);3369;3502;3542;3607(RC);3667(RC);3728;3811;4145(RC);4172(RC);4395;4413;4601;4647;4705;4878;4967;5138;5303(RC);5324;5467(RC);5479(RC);5540;5613;5743;5957;6078;6623;7064;7184(RC);7285;7455;7562;7683;7838;7947;7992;8495(RC);8687(RC);8834;8844;8845;9157;9806(RC);9879(RC);9990;10438;11008(RC);11092(RC);11549;11758;13094;13410(RC);13503;13812(RC);14733;15614(RC);78-2090;78-3805;79-4462;79-5676;80-2087;80-3652;80-3703;Kent;
Adequate means of exit discussed	#8766;
.652(i)[Shore as job progresses]	#2515;2548;3223;4395;9879(RC);10117;
.652(j)[Placement of bracing]	#3223;7992;
.652(k)[Portable]	#81-206;

29 CFR 1926.653[Definitions]	#477;1458;
.653(b)[Angle of repose]	#33(RC);15094(RC);
.653(f)[Excavation]	#4395(RC);76-43(RC);
.653(n)[Trench]	#4395(RC);
Subpart Q[Concrete, Concrete Forms & Shoring]	
1926.700[Concrete, concrete forms & shoring]	
.700(a)[General]	#3643;16147(RC);76-295;78-797; 79-1420;
Not applicable to Dismantling scaffold	#12754;
Mechanical contractor	#76-163;
Wall being built	#154;219;1329;5510;78-2033; 78-2216;Ashworth;
Where need for safety belt is litigated	#78-3094;
.700(b)(1)[Reinforcing steel]	#2763;12354(RC);14456(RC); 78-2923(RC);
.700(b)(2)[Working above exposed bars]	#573;14965(RC);14456(RC); 77-1118(RC);78-2216; 79-4347(RC); 80-3694;80-7276S;
Above defined	#2414;
Not limited to concrete const. etc.	#14505(RC);
Wearing safety belt not complied with	#15721(RC);

STANDARDS (Cont.)

29 CFR 1926.700(b)(3)[Guying vertical structures]	#78-2216;
1926.701(a)(1)[Forms & shoring, general]	#13843;16147(RC);80-4810;
.701(a)(2)[Drawings, plans]	#79-3189;
.701(a)(3)[Removal after use]	#7792(RC);
.701(d)(1)[Single post shore]	#326;
Subpart R[Steel Erection]	
1926.750[Flooring requirement]	#78-1853;
.750(a)(2)[Bolting only 4 floors]	#5111(RC);
.750(b)(1)(ii)[Nets]	#2014;3010;3035(RC);4141;4408; 4745;9173;9850(RC);10556;12525(RC); 12618(RC);15582(RC);76-1801(RC); 76-4507(RC);80-3694;80-3808S; USS;Cornell;
Not vague	#3735(RC);
Only app. to tiered bldg.	#15892(RC);
Properly promulgated	#3735(RC);7734(RC);7672(RC);12618 (RC);13529(RC);76-140(RC);
Safety belts not acceptable sub. for nets	#13529(RC);
Tiered bldg. defined	#7734(RC);
Loft bldg. as	#76-4840;
Open bay bldg. as	#78-467;
One story bldg. as	#76-628(RC);

STANDARDS (Cont.)

29 CFR 1926.750(b)(1)(iii)	#1740;1858(RC);2295(RC);2917;3068;5111(RC);10411;12988;13781;76-1703;76-4507(RC);
Vague	#4291;
.750(b)(2)[Peripheral guarding]	#524;2014;2414;12411(RC);77-1753;Builders Steel;Cornell
Not app. to single story const.	#13463(RC);
.750(b)(2)(i)[Temporary floor]	#12720;13801;77-2835;
Precedence over 1926.105(a)	#77-3773;79-2658;80-2760;12525(RC);
Precedence over 1926.500(d)(1)	#5111(RC);5221(RC);10411;
1926.751(a)[Release load after secure]	#1453;76-393; 78-4279(RC);80-5205;
Vague	#3735;
.751(c)(2)[Bridging on long joists]	#6988;
.751(d)[Tag line to control load]	#9173;13801;79-2658;79-6913;
1926.752(a)(1)[Containers for rivets, etc.]	#4179; 78-4279(RC);
.752(a)(3)[Air hose sections tied]	#524;
.752(d)(2)[Turnbuckles on plumbing up]	#3735;
.752(f)[Metal decking]	#78-2544;

STANDARDS (Cont.)

29 CFR 1926.752(j)[Protect unused floor opening]	#4179;4745;5221(RC);

Subparts S[Tunnels etc]

1926.800(a)(2)[Access to tunnel & shafts]	#378;
.800(a)(4)[Guard unattended opening]	#597;78-3645;
.800(a)(6)[System to check in & out]	#14305;78-2830;
.800(b)(1)[Develop evac. plan]	#14305;78-4672;80-2474;80-2763;
.800(b)(3)[Self rescuers avail.]	#77-2627;78-3645;79-2210;79-2211; 80-2763;
.800(b)(4)[Comm. between face & portal]	#14305;15123;77-2627;
Applies to existing tunnels too	#78-4672;
.800(c)(1)[Air quality]	#13864(RC);77-2627;77-2918;
Not vague	#15186;80-762;
.800(c)(1)(i)	#13864(RC);79-2210;79-2211; 79-4517;80-2474;80-2763;
.800(c)(1)(ii)[Air testing device]	
Not vague	#10703;
.800(c)(2)(i)[Mechanical ventilation]	#14305;15123;13864(RC);77-2627; 80-762;80-2763;

STANDARDS (Cont.)

29 CFR 1926.800(c)(2)(v)[Amount of air supplied] Not vague	#4892(RC);13864(RC);77-2627;
.800(c)(2)(vii)[Internal combustion engine not used]	#5390;77-2918;
.800(d)(1)[Lighting]	#4892;14305;78-2830;78-3645;
.800(e)(1)(viii)[Fire proof hydraulic fluid]	#5390;
.800(e)(1)(ix)[Underground fires]	#80-914;
.800(e)(1)(xii)	#79-2210;79-2211;
.800(h)(2)(ii)[Loose ground removed]	#77-2918;80-3733;
.800(h)(3)(i)[Shafts]	#77-383(RC);
.800(h)(3)(iii)[Solid casing & bracing]	#77-2918;
.800(h)(3)(v)	#77-2627;
.800(i)(10)[Guarding jumbo decks]	#5390;
.800(k)(4)[Cab window glass]	#378;
.800(l)(1)[Spec. for elec. equip.]	#14305;76-1992(RC);
.800(m)(4)[No hand release]	#2214;
.800(m)(8)	#79-2270;80-762;

SubpartT[Demolition]

1926.850(a)[Demolition preparation]	#597;934(RC);1741;6015;6120; 76-3176;
Minor	#77-1299
Competent person discussed	#383(RC);78-3568;
Survey defined	#388(RC);
.850(e)[Det. if hazardous sub. present]	#77-2844;
.850(g)[Protect wall opening]	#680;
.850(h)[Protect debris drop area]	#7936; 80-2727;
.850(i)[Unused floor opening]	#3948;
.850(j)[Start at top]	#680(RC);1359;
Not exclusive	#1359(RC);
.851(c)[Stairwell]	#79-6783;
1926.852(a)[Chutes]	#4725(RC);
1926.854(b)[Brace 2 story wall section]	#597;
.854(g)[Safe access to scaffold]	#3948;
1926.856(a)[Floor safe for heavy equip.]	#388;1741(RC);

STANDARDS (Cont.)

29 CFR 1926.856(b)[Removal of wooden floors]	#680;
.856(c)[Leave rafters bracing walls]	#1741;
1926.859(d)[Not overstressed]	#80-568;
.859(a)[Employees in area of mech. demol.]	#680;1229;
.859(d)[Ball attachment]	#934;
.859(g)[Inspections during demolition]	#77-1299;

Subpart U[Blasting & Use of Explosives]

29 CFR 1926.900(a)[Qualified person use explosive] Hortatory only	#15768;
.900(h)[Control blast]	#3609;
.900(k)(3)[Warning signs] Blasting consists of	#133;
1926.902(c)[Flame near explosive]	#1098;
.902(d)[Caps & exp. in same vehicle]	#1098;
.902(h)[Vehicle marking]	#1098;
1926.904(b)[Storage of caps & exp.]	#1098;14884(RC);
1926.909(e)[Warning given]	#80-3733;

STANDARDS (Cont.)

29 CFR 1926.910(b)[Permit area to clear of fumes]	#1468;78-2830;
1926.911(c)[Misfire]	#3064(RC);

Subpart V[Power Transmission & Distribution]

1926.950(b)(1)[Insp. before work on power transmission]	#4105(RC);9295(RC);
.950(c)(1)[Approach to energized parts]	#2532;2748;3458;4105(RC);5622; 6687;8478;10277;77-970;77-3127; 79-2328;
.950(c)(2)(i)[How to insulate]	#2532;11015(RC);
.950(d)[Deenergizing lines, etc.] Tree trimer not covered by	#11107(RC);
.950(d)(1)(i)[Line identified]	#2752;3746;
.950(d)(2)[Steps when line is out]	#2532;
.950(d)(2)(ii)	#76-2044(RC);
.950(e)(1)(i)[Train in emerg. proced.]	#10277;
.950(e)(1)(ii)[First aid]	#81-560;
1926.951(a)(1)[Prot. equip. accord w/ANSI]	#10277;
.951(b)(1)[Climbing equipment]	#4036;5421(RC);77-4008;

STANDARDS (Cont.)

29 CFR 1926.951(d)(2)[Inspect all live line tools]	#2532(RC);
1926.952(a)(1)[Visual insp. of mech. equip.]	#10277;
.952(b)(2)[Ground lift when near energized]	#10277;
.952(b)(3)[Equip. between lift & line]	#10277;81-560;
1926.955(a)[Overhead line]	#5209;Pacific;
.955(a)(3)[Unsafe poles]	#2821;
.955(a)(4)[Precautions before removing bracing]	#2821;
.955(a)(5)(i)[Avoid high energy lines]	#78-5160;
.955(a)(6)(ii)[Lift equip. near energized line]	#3069;4210(RC);7360;Pike;
Not vague	Wisc. Elec.;
.955(c)(1)(5)[Conductor on deenergized line]	#7066(RC);
.955(d)(7)[Working near energ. line]	#4312;
1926.956(b)(1)[Work in manhole] Applies only to power trans. lines	#10340(RC);

STANDARDS (Cont.)

29 CFR 1926.957(a)(3)[Precautions working in energized facility]	Ocean I & II;

Subpart W[ROPS; Overhead Protection]

1926.1000(c)(1)[ROPS for equip. mfg. before 9-1-72]	#76-637(RC);

Subpart X[Effective Dates]

1926.1050[Effective date]	#1307;2516(RC);3042(RC);
Subpart V	#1416;
Subpart X	#1307;
1928.21(b)[Agriculture Opers.]	#77-2555(RC);
1975.4[Definition of Employer]	#76-4026(RC);